



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES  
Space Policy, Copernicus and Defence  
**Defence 2**

Brussels,  
MB/mnf/grow.ddg3.i.5(2019)1095215

***By registered letter with  
acknowledgment of receipt***

Mr Bram Vranken  
Vredesactie  
Patriottenstraat 27  
2600 Berchem

**Subject:       Your application for access to documents – Ref GestDem No 2019/0524**

Dear Mr Vranken,

We refer to your e-mail dated 28/01/2019 in which you make a request for access to documents, registered on 28/01/2019 under the above-mentioned reference number.

By means of your request you ask to be granted access to “All documents containing information relating to the involvement of arms industry actors not already disclosed to the public (e.g. arms companies, their lobby groups, etc.) and private research centres in the context of the setting up and continuing development of the Preparatory Action on Defence Research.”

You further clarify that you are looking for documents –not already disclosed to the public – which identify Commission interaction with any such arms industry actor and private research centre in relation to the Preparatory Action on Defence Research (PADR). Such documents may comprise minutes of meetings/correspondence with one or more of such stakeholders or otherwise refer to such stakeholders.

Having examined your request, we concluded that the scope of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, is covered by the scope of your request GestDem 2018/4049 on 23 August 2018 by means of which you requested:

“All documents related to meetings (including but not limited to minutes, preparatory documents, briefings) between officials of DG Grow (including the Commissioner and the Cabinet) and representatives of individual companies, including lobby consultancies and law firms, and/or industry associations, in which the Preparatory Action on Defence Research (PADR) were dealt with since January 2015.”

The Commission by means of its decision sent to you by letter on 21 December 2018 (Our Ref. Ares(2018)6627840, attached to this letter) for the above-mentioned GestDem application communicated to you all relevant documents of all relevant stakeholders under the scope of your application, with regard to the above mentioned initiatives (PADR). Therefore the scope of our search comprised possible “private research centres” and “arms industry actors”.

Under GestDem 2018/4049, we had identified 13 documents that matched the scope of your request. The documents identified were disclosed with protection of personal data, in accordance with Article 4(1)b of Regulation (EC) No 1049/2001. In your current access to documents request, GestDem 2019/0524, you have not established the necessity to have the data transmitted for a specific purpose in the public interest.

Against this background, the Commission examined whether the legal or factual circumstances have changed since the Commission letter concerning the request GestDem 2018/4049 sent to you by letter of 21 December 2018, taking into account all the elements provided by you by means of your present request and/or the information available to the institution.

In this context, it needs to be stressed that the “relevant circumstances” i.e. the legal/policy context with regard to the initiatives you asked to have access for (PADR) as well as the factual context have not been altered by any means since the Commission’s previous reply on your request for public access. Therefore, we would like to refer you to the Commission’s previous reply (request GestDem 2018/4049 of 21 December 2018) concerning the same documents given, as there have not been any relevant legal or factual circumstances warranting a review of the earlier reply as explained above.

As concerns the period of time from 24 August 2018 to date which was not covered by your request GestDem 2018/4049, we regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position taken on GestDem 2019/0524.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-signed)

Timo PESONEN

Enclosure: Letter of 21 December 2018, Ref. Ares(2018)6627840