



HIELKE HIJMANS
HEAD OF UNIT

Mr Orestis BEKAS

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Brussels, 5 August 2013
HH/PJ/et/D(2013)1644 C 2013-0858

Subject: Your request for access to documents of 16 July 2013 (our ref. 2013-0858)

Dear Mr Bekas,

I refer to your access to documents request which was registered at the EDPS on 16 July 2013.

Please find below the documents we have identified as relevant to your request.

1. Your **requests number 1** concerns "the applications lodged with the EDPS received in the period from 1/1/2012 until 13/7/2013 from natural and legal persons, who requested the EDPS documents on the basis of which the Research family DGs have inserted in the aforesaid prior notifications the statement 'This processing has been submitted to the EDPS who concluded that Article 27 is not applicable'".

We are pleased to inform you that we have identified the following documents:

- 30.05.2012 Email Ref No 2012-0457 A-1816 [attachment 1];
- 05.06.2012 Email Ref No 2012-0457 A-1876 [attachment 2];
- 18.12.2012 Email Ref No 2012-1073 A-4491 [attachment 3];
- 25.01.2013 Email Ref No 2012-1073 A-0347 [attachment 4];
- 18.02.2013 Email Ref No 2012-1073 A-0646 [attachment 5];
- 11.03.2012 Email Ref No 2012-1073 A-1014 [attachment 6];
- 07.06.2013 Email Ref No 2012-1073 A-2248 [attachment 7];
- 27.06.2013 Email Ref No 2013-0714 A-2762 [attachment 8];
- 05.06.2013 Email Ref No 2013-0596 A-2210 [attachment 9];
- 27.06.2013 Email Ref No 2013-0596 A-2751 [attachment 10].

We have consulted the third parties from which these documents originate in accordance with Article 4(4) of Regulation (EC) No 1049/2001. This was done with a view to assessing

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whether any of the exceptions in Article 4(1) (documents where disclosure would undermine (a) the protection of the public interest as regards public security, defence and military matters, international relations, the financial, monetary or economic policy of the Union or a Member State; or (b) privacy and the integrity of the individual) or Article 4(2) (documents where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, court proceedings and legal advice, the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure) would be applicable.

Please find attached copies of the requested documents. As you have requested that the identity and contact details of the applicants are to be expunged, we have redacted the documents accordingly.

2. Your **request number 2** concerns "the EDPS replies in response to the applications mentioned above".

Please be informed that we have identified the following documents:

- 04.06.2012 Letter Ref No 2012-0457 D-1136 [**attachment 11**];
- 18.06.2012 Letter Ref No 2012-0457 D-1283 [**attachment 12**];
- 15.01.2013 Email Ref No 2012-1073 D-0059 [**attachment 13**];
- 15.02.2013 Email Ref No 2012-1073 D-0327 [**attachment 14 with appendices 1-8**];
- 08.03.2013 Email Ref No 2012-1073 D-0518 [**attachment 15**];
- 03.04.2013 Email Ref No 2012-1073 D-0616 [**attachment 16 with appendices 1-12**];
- 26.06.2013 Letter Ref No 2005-0156 D-1360 [**attachment 17 with appendices 1-6**];
- 17.07.2013 Letter Ref No 2013-0596 D-1592 [**attachment 18 with appendices 1-5**];
- 17.07.2013 Letter Ref No 2013-0714 D-1591 [**attachment 19 with appendices 1-11**].

Please find attached copies of the requested documents. As you have requested that the identity and contact details of the applicants are to be expunged, we have redacted the documents accordingly.

3. Your **request number 3** concerns "internal documents which the EDPS may have drawn up as a result of replies mentioned above".

Please be informed that the EDPS has not drawn up any such documents.

4. Your **request number 4** concerns "the EDPS drawn up and dispatched to the Commission services documents touching upon the veracity of the statement "This processing has been submitted to the EDPS who concluded that Article 27 is not applicable".

Please be informed that the EDPS has issued two letters regarding audit activities by the Commission, concluding that they are not subject to a prior check. The two letters are available on the EDPS website:

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Priorchecks/Letters/2009/09-10-27_Commission_controls_expost_EN.pdf

and

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Priorchecks/Letters/2007/07-10-19_Commission_audit_funds_EN.pdf

Copies of both letters are attached to this email for your convenience [attachments 20 and 21].

5. Your request number 5 concerns "the EDPS drawn up documents and dispatched to any third party other than the Commission services and the applicants touching upon the veracity of the statement "This processing has been submitted to the EDPS who concluded that Article 27 is not applicable".

Please be informed that the EDPS has not drawn up or dispatched to any third party other than the Commission any such documents.

I trust that you will find this information and documentation useful.

Please note that, pursuant to Article 7(2) of Regulation (EC) No 45/2001, you may make a confirmatory application asking the EDPS to reconsider his position as regards the total or partial refusal of your request. Such confirmatory application should be addressed within 15 working days upon receipt of this letter to the EDPS general e-mail: edps@edps.europa.eu.

Yours sincerely,



Hielke HIJMANS