



EUROPEAN COMMISSION

OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS
The Director

Brussels,
PMO/AGW/... - ARES(2021)

Ms Monika KLANN
Struenseegade, 7
2200 København,
Danemark

E-mail :
ask+request-7235-bc83ad62@asktheeu.org

Dear Ms Klann,

Subject: Your application for access to documents – GESTDEM 2021/0681

I refer to your e-mail of 6 February 2021 in which you make a request for access to documents, registered on 12 February 2021 under the above-mentioned reference number.

Your request is formulated as follows:

“Please provide full information about tenders above including publications of contract awarding and contractors. Please provide full information about tenders for hospitals having the conventions”.

I note in the subject of your email the following indication: *“Ares(2020)2986549 - Update on your application for access to documents – GESTDEM 2020/1887 in connection with GESTDEM 2019/5189”.*

I observe that you have requested access to the same documents/information:

- on 11 March 2020 under request GestDem 2020/1887, covering the first aspect of the present request as regards *“full information about tenders above including publications of contract awarding and contractors”*,
- on 1 September 2019 under request GestDem 2019/5075, covering the second aspect of the present request as regards *“full information about tenders for hospitals having the conventions”*.

In more details, with regard to the first aspect of your request, the European Commission already replied to GestDem request 2020/1887 on 29 April 2020, reference Ares(2020)2297424 followed by a corrigendum sent to you on 9 June 2020, reference Ares(2020)2986549. Under that request, you had asked access to *“- the list of contracts concluded with insurance companies mentioned in*

your confirmatory decision [GESTDEM 2019/5189]¹ - calls for applications, evaluation, award decisions concerning these contracts mentioned above.”

The Commission granted access to the documents requested, providing you with a list of five contracts managed by the Office of Administration and Payment of Individual Entitlements with insurance companies, namely MARSH, AXA, and CIGNA INTERNATIONAL HEALTH SERVICES. By the same decision, the European Commission also granted access to the contract notices and contract award notices related to the five contracts concluded with the said insurance companies.

With regard to the second aspect of your request, the European Commission already replied to GestDem request 2019/5075 on 23 September 2019, reference Ares (2019)5902945. Under that request, you had asked access to the list of “*contracts or conventions concluded with hospitals and other medical entities and the calls for applications, evaluation, award decisions concerning these contracts or conventions mentioned above*”. The European Commission granted partial access to the documents requested, providing you with a list of hospitals -most frequented by JISIS members- with which a convention has been concluded, while providing you with a template of these conventions only, i.e. a standard text expunged of personal data and data pertaining to the protection of commercial interests. Regarding calls for tenders, the European Commission informed you that it did not hold such documents, explaining to you that the Commission concludes the agreements with the representatives of the medical profession and/or the competent authorities on the basis of Article 39(2)(e) of the Joint Rules on sickness insurance for officials of the European Union.

In your new request for access to the same documents, you do not put forward any change in the legal or factual situation since the positive reply and the partial refusal of the Commission to grant access to the requested documents stipulated in the above decisions.

After careful examination, I concluded that the legal and factual circumstances justifying that partial refusal have not changed. Therefore, the earlier replies given to your requests including the partial refusal concerning the conventions –redacted - concluded with hospitals and the absence of “calls for tenders” remain justified in the light of the current legal and factual situation.

Consequently, I refer you to the aforementioned decisions of the Commission of 29 April 2020, reference Ares(2020)2297424 and of 23 September 2019, reference Ares (2019)5902945.

Should you disagree with the present decision, you are entitled to submit a confirmatory application requesting the Commission to review this position, in accordance with Article 7(2) of Regulation (EC) No 1049/2001. Nevertheless, I would like to draw your attention to the fact that the confirmatory review against this reply will focus on the question whether there are any additional legal and factual circumstances requiring the adoption of a new decision by the Commission.

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

European Commission

Secretariat-General

Unit C.1. ‘Transparency, Document Management and Access to Documents’

BERL 7/076

¹ Text referred in the confirmatory decision GESTDEM 2019/5189 to the following: “[...] *the Office for the Administration and Payment of Individual Entitlements manages, on behalf of the Commission, a number of insurance contracts including civil liability, accident and death as well as missions*”

B-1049 Brussels,

or by email to: sg-acc-doc@ec.europa.eu.

Yours sincerely,

Alexander GEMBERG-WIESIKE