EUROPEAN COMMISSION

Brussels, 18.12.2019
C(2019) 9425 final

Ms Monika Klann
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2200 København
Denmark

DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) NO 1049/2001

Subject: Your confirmatory application for access to documents – GESTDEM 2019/5189

Dear Ms Klann,

I am writing in reference to your email of 6 October 2019, registered on 7 October 2019, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter ‘Regulation (EC) No 1049/2001’).

Through your initial application of 7 September 2019, you requested access to the documents containing the following information, I quote:

- ‘amounts of the 20 highest insurance payments made per annum, since your inception and their reason.
- amounts of the 20 lowest insurance payments per annum and their reason.’

By letter of 2 October 2019, the Office for the Administration and Payment of Individual Entitlements informed you that it was not able to identify any documents as falling within the scope of your request.

In your confirmatory application, you question the absence of any documents concerning the scope of your initial application.

2 Official Journal L145 of 31.05.2001, p. 43.
Against this background, the European Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission does not hold any documents that would correspond to the description given in your application.

Please note that officials and other servants of the EU are covered by the Joint Sickness Insurance Scheme of the European Union institutions, which reimburses medical expenses for most medical procedures or treatments at the rate of 80-85%. In cases of accidents and occupational diseases, the remaining part (15-20%) of the reimbursement is covered by an insurance contract, which officials and other servants are entitled to. In your application, you explicitly asked for the ‘insurance payments’.

As already explained in the initial reply, 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. However, for these contracts, it serves only as the contract manager. Any financial relationship with the customer is directly managed by the insurance company and as such the Office for the Administration and Payment of Individual Entitlements does not intervene in these transactions.

Consequently, given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Indeed, 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.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

For the Commission
Ilze JUHANSONE
Acting Secretary-General