



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,

Subject: Your application for access to documents – Ref GestDem No 2020/2371

Dear Madam,

We refer to your e-mail dated 23/04/2020 in which you make a request for access to documents, registered on 24/04/2020 under the above-mentioned reference numbers.

You request access to

All documents regarding Infringement procedure number 2015/0413 against Spain, including:

- The Formal Notice submitted on the 23 of September, 2015
- The reasoned opinion delivered by the Commission on the 25 of July, 2019
- Any document delivered by Spanish authorities to the Commission regarding this infringement procedure

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain relate to an ongoing investigation regarding a possible infringement of EU law.

Disclosure of the documents requested would undermine the protection of the purpose of the ongoing investigation; indeed, disclosure of the documents at this point in time would affect the climate of mutual trust between the authorities of the Member State and the Commission, which is required to enable them to resolve the case without having to refer it to the Court of Justice. Therefore the exception laid down in Article 4(2) third indent of Regulation (EC) No 1049/2001 applies to these documents.

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We have considered whether partial access could be granted to the documents requested. However, all requested documents are covered by this exception in their entirety.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be such an interest in disclosure, but we were not able to identify one.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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
Secretariat-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

Yours faithfully,

(E-signed)
Monique PARIAT