



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.A.4/AP

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

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Subject: Your application for access to documents – Ref GestDem No 2021/3095

Dear Sir,

We refer to your e-mail of 10 May 2021 in which you make a request for access to documents, registered on 11 May 2021 under the above-mentioned reference number.

You requested access to all communication with Thorn for the past 12 months. That should include e-mails, briefing notes, meeting minutes, etc.

Your application concerns the following documents:

1. Report from a meeting with the President's Cabinet on 10 February 2021 (hereafter: document 1)
2. Flash report from a meeting between Unit HOME D.4 and Thorn on 3 March 2021, Ares(2021)3991064 (hereafter: document 2)

Regarding document 1, we refer to our initial reply to your request registered under reference GESTDEM 2021/2610. In our reply to you on 10 June 2021 (Ares(2021)3116265), we partially disclosed this document. You find again this letter and the partially disclosed document attached for your convenience.

Having examined document 2 requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that the document may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article of this Regulation.

The redacted parts of the document relate to a decision which has not yet been taken by the Commission. The meeting took place in the framework of gathering information and evidence in preparation of an Impact Assessment for a new initiative. In the preparation of

such an assessment, Commission officials have to be able to gather evidence from a broad range of stakeholders, and explore preliminary options, which may not be reflected in later decision-making process.

Disclosure of the document requested would undermine the protection of the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an overriding interest, for the same reasons as above explained.

Moreover, some parts of document 2 have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001. The redacted parts of the document contain:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Disclosure of these parts would undermine the protection of privacy and the integrity of the individual protected under this exception.

This document was drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Home Affairs and Migration. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such

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