



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Director-General

Brussels, **20 DEC. 2013**
FLB/pb D(2013)

Mr Charilaos DROSOS
Via email: ask+request-1046-
851c9f89@asktheeu.org

Subject: Release of DG Justice audit manual covering guidelines for audits that are externalised to a private audit firm, as well as all annexes thereto

Reference: Gestdem ref 2013/5997

Dear Mr Drosos,

I refer to your e-mail dated 26 November 2013 in which you make a request for access to the audit manual of DG Justice concerning audits externalised to a private audit firm, registered on 29 November under the above mentioned reference number.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed.

- Annex 1 of the audit manual to which you have requested access contains personal data. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing annex 1 of the audit manual (requested as an integrant part of the audit manual) expunged from this personal data;

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

- Regarding annex 15, I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation. This annex, which you seek to obtain, contains commercially sensitive business information of the company that submitted it. Disclosure of the document requested would undermine the protection of the commercial interests of the company that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to annex 15 of the audit manual.

As a consequence, the requested audit manual (together with annexes 1 to 14 only) can be disclosed (partially expunged from personal data) and is attached in the present reply.

In accordance with Article 7(2) of Regulation 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
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Bruxelles

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

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'p. o. Le Bail', with a stylized flourish at the end.

Françoise Le Bail

Annexes: audit manual for externalised audits, together with annexes 1 to 14