Subject: Your application for access to documents under Regulation (EC) No 1049/2001

Ref.: EASE 2023/4617

Dear Mr Azalbert,

We refer to your request submitted via EASE portal on 02.08.2023 in which you made a request for access to documents, registered the same day under the above-mentioned reference number.

You requested access to documents containing the following information:

1. All correspondence exchanged in all forms and formats (electronic, paper, sms, email, whatsapp messages, EDI (electronic data interchange), or any other private or public messaging format) between the organization bearing the name "Bilderberg Meeting" (https://urldefense.com/v3/__https://bilderbergmeetings.org/__;!!DOxrgLBm!BImMx-06JzfFx_njGdrNcFnSQ=JOGS1y8FJED_StldGV5AHet83P5e52XEArDd8sqjN-DB6bM18aUuLo2PmEloun2r3yYny4KXDS ) and the European Commission and in particular, those of the Commissioners who participated in the events of the organization.
2. All documents received, given, or written on site during the holding of the meetings of the Bilderberg group or in connection with the holding of the events,
3. All reports, work and reports drawn up by the Commissioners, their teams or the Commission concerning the "Bilderberg Meeting" group, participation in its events or its relations with the European institutions and their staff,
4. The regulations, and/or decisions of the institutions which decide or supervise the participation of Commissioners in the events of the Bilderberg group, and/or the mandate given by the Commission to these Commissioners for this purpose,
5. All documents relating to the travel/subsistence/registration/participation expenses of Commissioners who participated in Bilderberg Group events,
6. All correspondence exchanged in all forms (electronic, paper, sms, email, whatsapp messages, ...) between the organisation known as the "World Economic Forum (WEF)" (https://urldefense.com/v3/__https://www.weforum.org/__;!!DOxrgLBm!BImMx-06JzfFx_njGdrNcFnSQ=JOGS1y8FJED_StldGV5AHet83P5e52XEArDd8sqjN-DB6bM18aUuLo2PmEloun2r3yYny4KXDS ) and the European Commission and in particular Commissioners who have participated in the organisation's events.
7. All documents received, given, or written on site during the holding of the “meetings” of the World Economic Forum or in connection with the holding of events,
8. All reports, work and reports drawn up by the Commissioners, their teams or the Commission on the World Economic Forum WEF group, participation in its events and its relations with the European institutions and their staff,
9. Regulations and/or decisions of the institutions which decide or supervise the participation of Commissioners in World Economic Forum (WEF) events, and/or the mandate given by the Commission to these Commissioners for this purpose,
10. All documents relating to the travel/subsistence/registration/participation expenses of the Commissioners who participated in the World Economic Forum (WEF) events.

This request has been split between several DGs. Please note that questions 5 and 10 have been attributed to the Office for Administration and Payment of Individual Entitlements (PMO), which handles financial rights of the European Commission (“Commission”) staff members, including reimbursement of mission expenses.

Firstly, I would like to stress that, in accordance with the Article 6 (2) of the Code of Conduct for the Members of the European Commission (“Code of Conduct”)\(^1\), members of the Commission have the obligation to conduct missions in compliance in particular with the rules set out in Annex 2 of the Code of Conduct, the rules in the Financial Regulation, the internal rules on the implementation of the general budget of the European Union and the Guide to Missions.

“A mission is defined as a travel in the exercise of his or her duties by a Member away from the Commission's place of work”\(^2\), “solely in the interests of the service, on the instructions of a line manager or the appointing authority”\(^3\).

In addition, Article 6 (2) of the Code of Conduct provides that “[f]or reasons of transparency, the Commission will publish an overview of mission expenses per Member every two months covering all missions undertaken unless publication of this information would undermine the protection of the public interest as regards public security, defence and military matters, international relations or the financial, monetary or economic policy of the Union or a Member State.”

The Code of Conduct entered into force on 1 February 2018. Accordingly, since 28 February 2018, information pertaining to the mission costs of the Members of the Commission has been published every two months. For example, you will find the information pertaining to the mission expenses of the President of the European Commission, on the web page of the Commission under the tabs: The Commissioners → President von der Leyen → Transparency → Missions of President von der Leyen\(^4\).

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1 Commission decision of the of 31 January 2018 on a Code of Conduct for the Members of the European Commission EUR-Lex - 32018D0221(02) - EN - EUR-Lex (europa.eu)
2 Article 6 (2) Code of Conduct
3 Section 1.1., Guide to missions and authorised travel, of 27/09/2017, accompanying the Commission Decision on the general provisions for implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of Officials (mission expenses) and on authorised travel
4 Ursula von der Leyen | European Commission (europa.eu)
Under the transparency tab of the Commissioner concerned, you will find information on the purpose of the trip, the destination, the dates of the trip and the mission costs (including travel costs). Thus information concerning the mission of the President of the Commission can be found at: Mission expenses of the Commissioners (europa.eu). You can export an excel file of all the missions carried out by the Commissioner and/or have information concerning one mission in particular. Regarding the part of your request concerning the travel/subsistence/registration/participation expenses of the Commissioners who participated in the World Economic Forum (WEF) events, as an example, by following the procedure indicated above, you will find inter alia, information on the travel and miscellaneous costs linked to the mission of the President of the Commission in Davos in January 2023.

Concerning the part of your request which concerns the expenses of Commissioners who participated in Bilderberg Group events, we regret to inform you that the Commission does not hold any documents that would correspond to the description given in your request. As specified in Article 2 (3) of the Regulation 1049/2001, the right of access as defined in that regulation, applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your request, are held by the Commission, the Commission is not in a position to handle your application in this regard.

The Court of Justice of the EU (“CJEU”) ruled in its judgement in Case C-491/15 P that operations “not comparable to a normal or routine search in the database concerned, carried out using the search tools available to the Commission in respect of that database and that, therefore, the information requested would have required a creation of a new document”.

The remaining points of your application would undoubtedly require operations outside the scope of a normal or routine search via the Commission’s available tools. Thus, documents created under these circumstances would lead to a creation of new documents.

In addition, the CJEU ruled in T-123/99 that the Commission is entitled to limit itself to the explication that the requested documents do not exist, without further specifications.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents. You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal account (available only for initial requests submitted via the portal account),

5 https://www.ec.europa.eu/transparency/documents-request
or **by mail:**

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

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

Yours faithfully,

For Alexander GEMBERG-WIESIKE, in his absence
Ilze BALTMANE

Cc: Ms A. Ortega (PMO.5), PMO.LAW