Subject: Your application for access to documents - EASE 2023/3716

Dear Ms Sánchez Nicolás,

We refer to your message of 15/06/2023, in which you make a request for access to documents. We registered your message on the same day under the above-mentioned reference number.

Scope of your request

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001 and the Aarhus Directive 2003/4/EC, you are requesting documents, e-mails, letters, memos (including all attachments), datasets, reports, evaluations, briefings and analysis of any kind which contain the following information:

(1) Geographical balance in all EU institutions, bodies and agencies since at least 2014, including forecast retirements by 2027;
(2) Number of applications in open competitions and the number of successful candidates on reserve lists, as well as EPSO laureates’ data per nationality;
(3) Communication and activities with a focus on nationalities with low presence rates;
(4) All reports presented based on Article 27 of the Staff Regulations of Officials and on Article 12 of the Conditions of Employment of Other Servants of the European Union since 2014;
(5) The competition model agreed upon by the EPSO Management Board in January 2023 and the applications open under this model;
(6) Success rate of citizens taking the European so-called 'concours' breakdown by nationality since 2014;
(7) Nationality rate holding positions in the highest AD16 category.

According to 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.

I have identified the following documents as falling within the scope of your requests:
(1) The document containing number of applications in open competitions and the number of successful candidates on reserve lists, as well as EPSO laureates’ data per nationality, including success rate of citizens taking the European so-called 'concours' breakdown by nationality since 2014 – ARES (2023) 4520023 of 29/06/2023;

(2) The hyperlink of first application open under the new model competition: Administrators in the field of economics | EU Careers (europa.eu);

(3) The minutes of meeting related to the adoption of the new competition model - ARES (2023)1615233 of 06/03/2023.

I furthermore confirm that EPSO holds no other existing documents that would correspond to the scope of your request.

Analysis of your request

Regulation (EC) No 1049/2001 provides that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions, and limits defined in the Regulation.

According to Article 2(3), the Regulation ‘shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession’.

According to Article 3 a), a document is ‘any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility’.

I am pleased to inform you that EPSO grants you access to the documents identified under (1) and (2) and partial access to the documents identified under (3).

The hyperlink identified under (2) is electronically and already accessible.

The parts of the document under (3) which are not disclosed (redacted in the version annexed to this decision) fall under the exception of Article 4(1)(b) and Article 4(3), second subparagraph Regulation (EC) No 1049/2001.

Moreover, the parts of the documents under (3) which are not disclosed contain information which is not relevant to the scope of your request.

Article 4 (1) b of Regulation (EC) No1049/2001 provides that:

[the] institutions shall refuse access to a document where 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.

Article 4(3), second subparagraph Regulation (EC) No 1049/2001 provides that ‘[a]ccess to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure’.
The original version of the document (3) contains participants names that constitute personal data pursuant to Article 3 (1) of Regulation (EC) 2018/1725, according to which "personal data' shall mean any information relating to an identified or identifiable natural person". Pursuant to Article 4 (1) b of Regulation (EC) No 1049/2001, access to these parts of the document has to be refused.

These persons were not solicited to give their consent for the disclosure of their personal data. These data are therefore covered by the exception provided for in Article 4(l)b of Regulation (EC) No 1049/2001, and consequently may not be disclosed.

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

Yours sincerely,

Minna VUORIO

Annexes:

(1) The document containing number of applications in open competitions and the number of successful candidates on reserve lists, as well as EPSO laureates’ data per nationality, including success rate of citizens taking the European so-called 'concours' breakdown by nationality since 2014 - ARES (2023) 4520023 of 29/06/2023.

(2) The redacted minutes of the meeting related to the adoption of the new competition model - ARES (2023)1615233 of 06/03/2023.