



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

The Secretary General

2014/007 This letter refers
to two FOI Requests
which have a different
status

Brussels, 23 SEP. 2014

SG.B4/PSc/psc – sg.dsg2.b.4(2014) 3305544

ARES (2014) 3113993

By registered mail to:

Mr Vinzenz ZINSER

Untere Gasse 4

D - 88456 Winterstettenstadt

Copy per email to: ask+request-1396-3ddc7652@asktheeu.org

and to: ask+request-1414-11feee36@asktheeu.org

Subject: Your confirmatory applications for access to documents – Gestdem 2014/3459 and 2014/3481

Dear Mr Zinser,

I am writing in reference to your emails of 12 August 2014, registered on 21 August 2014, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereafter Regulation 1049/2001).

In your initial application of 11 and 16 July 2014, you requested access to the following documents and information:

- FOI #1 • Gestdem 2014/3459: FOI: INFRINGEMENT PROCEEDINGS IN VIOLATION OF EC 2201/2003 (BRUXELLES II a) (3108)
- On what individual dates (initially and follow up information with numbering the cases) has the European Commission received information about a possible violation of the EC2201/2003 regulation since January 2008 up to now. What was the source, the information was coming from (a EU citizen, a member of parliament, etc.)?
 - From what country was the court order coming/decided and in what country was this order registered for enforcement (each individual case, please use the original numbering from above).

¹ OJ L145, 31.05.2001 p.43

- What was the subject of the order that should have been enforced (divorce, child contact etc.)?
- On what date was there an internal decision about the investigation and what was the result of each individual case (use again the numbering from above).
- When and how often has the European Commission contacted the member state where it looked like that there was no enforcement?
- When and how often has the Commission started infringement proceedings? Also let me know about proceedings at the EU court of justice in each individual case?

FOI # 2

- Gestdem 2014/3481: *FOI: MOVEMENT OF CHILDREN TO ANOTHER COUNTRY? (3107)*
- I. How many children have been abducted in one of the EU member states since January 2008.

Kindly give figures on:

- the number of cases,
- the number of children,
- the EU state the children have been brought/abducted to. This for all the cases where the The Hague regulation was applied
- II. Further, how often has the EC 2201/2003 regulation for children, that have been brought to another country where one parent was left behind, has been applied since January 2008 ?

This question should be answered in detail for each year:

- how many children
- how many cases
- what was the gender of the Parent who moved to another county,
- to what country have the children been brought,
- what was the age of the children ?

Also I would like to know if the children still have regular contact to the left behind parent after 1 year, after 2 years ... (for every year).

By letter of 6 August 2014, you have been provided with an answer to your initial request. In this answer, Directorate General Justice (DG JUST) confirmed not having been able to identify any documents as falling within the scope of your request.

In your confirmatory applications, you claim that, as you are personally aware of infringement proceedings regarding violation of Regulation (EC) 2201/2003 and of child abduction cases, [...] there must be documents.

Against this background, the Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission has not

identified any documents that would fall under the scope of your confirmatory request for access.

In light of these elements, the Commission is not in a position to deal with your request for access to documents.

Furthermore, I note that DG JUST sent you on 4 September 2014 an additional reply, including web links to external resources containing the replies to your requests for information (figures and statistics) contained in both initial requests. Moreover, please note that the European Commission has no competence to monitor single abduction cases, which are dealt with by the jurisdictions of the Member States.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day