Subject: Your application for access to documents - GESTDEM 2024/1190

Dear Sir,

We refer to our letter of 19 March 2024, pursuant to Article 6(3) of Regulation (EC) No 1049/2001, in which we proposed a fair solution to deal with your request for access to documents, registered on 8 March 2024 under the reference number above.

We explained that we are in charge of the following categories of documents:

- documents from the Cabinet of the former Commission President Delors relating to the period 1989-1992. These documents were sent to you by normal mail on 27 March. We informed you with by email on the same day (see enclosed).

- twenty boxes of documents related to the situation of Romanian orphanages and childcare system as well as to EU funded child protection projects in Romania covering the period 1990-1995.

We explained that the 20 boxes are available in the Historical Archives of the European Commission (paper format only).

To recall Article 9 of the Council Regulation 354/1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community, amended by Council Regulation (EU) 2015/496 of 17 March 2015, which indicates “… Wherever possible the institutions shall make their archives available to the public by electronic means, including digitised and born-digital archives, and facilitate their consultation on the internet…” (our italics).

Moreover, Article 10 of Regulation (EC) No 1049/2001 says “The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference. The cost of producing and sending copies may be charged to the applicant” (our italics).

There is no obligation for the Commission to grant access to document in a digitalised format, where these caveats apply.
Having regard to the volume of the documents requested, the third parties to be consulted and the number of passages to be redacted, handling your application would imply an unreasonable administrative burden and would be disproportionate.

Therefore, we proposed to grant you/your association access to these documents in a Commission reading room in the Commission premises in Brussels, in line with Regulation Regulation (EC) No 1049/2001. The access would have been granted after a first analysis of the files, which would already constitute a significant workload.

We regret that we have not been able to agree on a fair solution that is acceptable to both parties.

We have therefore been obliged to balance your possible interest in access against the workload resulting from the processing of your application. As a result, we have decided to make use of the possibility, provided by the case law of the EU Courts, not to deal with your application with a view to safeguarding the interests of good administration1.

We remain however at your disposal if you still wish to access to documents in the premises of the Commission, as we initially proposed.

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
Unit C.1. ‘Transparency, Document Management and Access to Documents’
BERL 7/076
B-1049 Brussels

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

Yours faithfully,

William SLEATH

Annexes: e-mails of 27 March

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