Subject: Your application for access to documents (2024/2124)

Dear Mr Liski,

We refer to your request for European Commission documents registered on 22 April 2024 under the above-mentioned reference number.

You request access to all documents relating to the infringement proceedings (including informal stages) brought by the European Commission against the Republic of Finland relating to the implementation of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

Your application concerns the following documents:

- Reply of the Republic of Finland to the additional letter of formal notice in infringement case INFR(2020)2320, of 23 March 2023 (INF(2023)000415).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we 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.

The documents which you seek to obtain relate to an ongoing investigation regarding a possible infringement of EU law. Disclosure of the documents requested would undermine the protection of the purpose of the ongoing investigation concerning the above-mentioned case; indeed, disclosure of the document at this point in time would affect the climate of mutual trust between the authorities of the Member State and the Commission, which is required to enable them to resolve the case without having to refer it to the Court of Justice. Therefore, the exception laid down in Article 4(2) third indent of Regulation (EC) No 1049/2001 applies to these documents.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of documents. However, in this case, we have not identified any overriding public interest in disclosure.
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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it via your EASE portal account.

Yours faithfully,

Anna GALLEGIO

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1 https://www.ec.europa.eu/transparency/documents-request