To the attention of Ms Elena Sánchez

By email: ask+request-14626-2ec4ed2c@asktheeu.org

Subject: Your application for access to document – Ref EASE 2024/2942

Dear Ms Sánchez,

We refer to your e-mail of 4 June 2024, in which you make a request for access to documents, registered on the same date, under the above-mentioned reference number. The said request reads as follows:

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

EU Commission senior staff business trips paid for by third parties from 2021 to 2024, including:

- Place of origin and destination;
- Exact dates and duration of the trip;
- Official position;
- Other information, such as possible miscellaneous costs.”

We understand that your request for access to documents refers to all Commission senior staff members’ (including Director-General, Deputy Director-General and Directors) missions where costs were at least partially paid by third parties. Moreover, we understand that the time frame of your request corresponds to the missions carried out by those staff members from 1 January 2021 until 4 June 2024.

After having carefully examined your request under Regulation (EC) No 1049/2001, we regret to inform you that the Commission does not hold any document that would correspond to the description given in your application.

In this context, I would like to point out that the question regarding the possible status of information stored in databases as a document within the meaning of Regulation (EC) No
1049/2001 has already been subject to an assessment by the General Court, which in its ruling in Case **T-214/13** established that ‘in the event of an application for access designed to have the Commission carry out a search of one or more of its databases using search criteria specified by the applicant, the Commission is obliged, subject to the possible application of Article 4 of Regulation (EC) No 1049/2001, to accede to that request, if the requisite search can be carried out using the search tools which it has available for the database in question’ (1).

By this judgment, the General Court confirmed the previous approach in the ‘Dufour case’, where the Court stated that ‘anything that can be extracted from a database by means of a normal or routine search may be the subject of an application for access’ (2).

Furthermore, I would like to bring to your attention the judgment in Case C-491/15P, where the Court of Justice took the position that the routine character of an operation which determines whether information extracted from a database is a document, is determined by whether the operation has been made available to final users for general use (3).

The information you request is partially stored in the database MIPS, which is an internal database that does not have the technical capability to extract the data you requested by means of a routine search.

The data range concerned as defined by the scope of your request (such as the official position, the place of origin and destination, exact dates and duration of the trip, and information related to miscellaneous costs), can therefore not be extracted from the relevant databases by means of a routine search operation using the search tools available.

For these reasons, the information requested is not included in any existing document.

As specified in 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.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not able to fulfil your request.

Outside the scope of your request for access to specific documents, we would like to inform you that the European Commission has already shared, in the context of previous requests for access to documents, information related to the missions of Commission staff (including senior managers) where costs were at least partially paid by third parties. This information is available online, so you can consult it under the links provided below:

1. **RATD 2023/0098** (Ares(2023)1112208) replied to on 15/02/23.
2. **RATD 2023/4061** (Ares(2023)6520388) replied to on 26/09/23.
3. **RATD 2023/4083** (Ares(2023)5703258) replied to on 21/08/23.
4. **RATD 2023/4058** (Ares(2023)6777482) replied to on 05/10/23.


Finally, please note that 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:

via your EASE portal (4) account or,

by mail, to:

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,

(e-signed)
Stephen QUEST

c.c.: HR-ETHICS@ec.europa.eu
HR-ACCESS-TO-DOCUMENTS@ec.europa.eu

(4) https://www.ec.europa.eu/transparency/documents-request