



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels,  
SG.B.4/IPR/bb - sg.dsg2.b.4(2015)1218107

*By registered mail:*

**Mr Klaus ZINSER**  
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Germany

*Copy by email:*  
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**Subject: Your confirmatory application for access to documents – Gestdem 2015/639**

Dear Mr Zinser,

I am writing in reference to your email of 26 February 2015, registered on the same day, 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 documents<sup>1</sup> (hereafter Regulation 1049/2001).

Through your initial application of 30 January 2015, you requested access to:

- *any documents from the European Commission that was sent to the UK authorities,*

meaning a letter of formal notice or any other document sent by the Commission to the UK authorities with respect to the alleged violation of Council Regulation 2201/2003 in the custody proceedings concerning your child.

By letter of 18 February 2015, DG JUST informed you that it was not able to identify any documents as falling within the scope of your request.

In your confirmatory application, you request an internal review of your application for access to 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 held by it that would fall under your request for access to documents.

<sup>1</sup> Official Journal L145, 31.05.2001 p.43

Indeed, as specified in Article 2(3) of Regulation 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 have been identified, the Commission is not in a position to handle your request.

Finally, I draw your attention to the means of redress available against this decision. You may, under the conditions of Article 263 TFEU, bring proceedings before the General Court or, under the conditions of Article 228 TFEU, file a complaint with the European Ombudsman.

Yours sincerely,

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

Catherine Day