

Mr Roelof Pieters
e-mail: ask+request-230-a3006d44@asktheeu.org

10 December 2012

Sent by e-mail

**Subject: Your application for access to Eurojust documents
LS/EJFW/2012-12**

Dear Mr Pieters,

I refer to your application dated 16 October 2012 and your clarification e-mail dated 28 October 2012 requesting access to the documents referred to in sections 'A' and 'B' of the acknowledgement of receipt sent to you dated 30 October 2012.

I regret to inform you that it has been decided to refuse access to the documents requested:

(a) in section 'A' on the grounds of the exceptions laid down in Article 4.1(a); indents 5, 6 and 7¹ and Article 4.1(b)² of the Eurojust Decision to Adopt Rules Regarding Public Access to Eurojust Documents, adopted on 13 July 2004; and

(b) in section 'B' on the grounds of the exceptions laid down in Article 4.1(a); indents 5 and 7³, Article 4.1(b)⁴ and Article 4(3)⁵ of the Eurojust Decision to

¹ Article 4.1(a); Eurojust shall refuse access to a document where disclosure would undermine the protection of: (a) the public interest as regards: – fulfillment of Eurojust's tasks in reinforcing the fight against serious crime (5th indent);-national investigations and prosecutions in which Eurojust assists (6th indent); and – fulfillment of the applicable rules on professional secrecy (7th indent).

² Article 4.1(b); the privacy and integrity of the individuals, in particular in accordance with the relevant international and European legislation regarding the protection of personal data and the Eurojust rules on data protection.

³ Both of which are set out in footnote 1.



Adopt Rules Regarding Public Access to Eurojust Documents, adopted on 13 July 2004.

By way of further explanation in respect of both sections 'A' and 'B' above, disclosure of the requested documentation would undermine the actions taken by Eurojust and thus render more difficult the fulfillment of its mandate under Articles 6 and 7 of the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA) as last amended by Council Decision of 16 December 2008 (2009/426/JHA).

Please note that Article 7.4⁶ of the Eurojust Decision to Adopt Rules Regarding Public Access to Eurojust Documents adopted on 13 July 2004 gives you the right to make a confirmatory application within 30 working days of receiving this reply to the Administrative Director asking Eurojust to reconsider its position.

Yours sincerely,

Catherine Deboyser
Head of Legal Service

⁴ As set out in footnote 2.

⁵ Article 4(3): Access to a document, drawn up for internal use or received by Eurojust, which relates to a matter where the decision has not been taken by Eurojust, shall be refused if disclosure of the document would undermine Eurojust's decision making process, unless there is an overriding public interest in disclosure.

⁶ Article 7(4): In the event of a total or partial refusal, the applicant may, within 30 working days of receiving Eurojust's reply, make a confirmatory application to the Administrative Director asking Eurojust to reconsider its position.