



## EUROPEAN COMMISSION

OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS

The Director

Brussels,  
PMO/ML/ht

**13 NOV. 2015**

Mrs Helen Darbishire

E-mail:  
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### **Subject: Your application for access to documents – Ref. GestDem N° 2015/5430**

We refer to your e-mail dated 19/10/2015 in which you request access to documents, registered on 20/10/2015 under the reference number mentioned above.

You request access to documents containing information on the mission and representation costs of the Commissioners of the current Commission. More specifically, you would like to obtain the documents which would allow you to evaluate how much was spent by each Commissioner on each mission "with a sufficient level of detail". Ideally, this information should be itemised by payments and cover the period between the 1st November 2014 and the 30 July 2015. You also seek to obtain the same type of information – what has been paid - in each activity or event which gave rise to representation costs.

Regarding the information requested, and having examined the documents requested under the provisions of Regulation (EC) No 45/2001 regarding public access to documents, I regret to inform you that your application cannot be fully granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation. Indeed, your request for access to the underlying documents cannot be handled in its present form as a breakdown of payments by category might contain personal data, which would have to be expunged before disclosure.

Furthermore, it should be underlined that Commissioners completed for the period requested more than 1180 missions and that almost 540 files have resulted in representation costs. Therefore, assessing each statement of expenses/invoice would lead to a situation in which the basic principle of good administration could be jeopardised. It is settled case-law that if the fulfilment of an application requires a disproportionate work and no compromise can be reached, the Commission may, in the interest of sound administration, invoke the principle of proportionality to justify a refusal, provided that the amount of work involved in processing the request is deemed excessive in relation to the interest served by disclosure (Judgment of the Court of first Instance of 19 July 1999 in case T-14/98, Hautala v Council).

As far as representation costs are concerned, the Commission does not have any database which would permit to give you this information with the expected degree of detail. In order

to reply to your request, the Commission would have to search the 540 paper files manually. Once again, the case law mentioned above applies.

However, we have considered whether partial access could be granted to the documents requested, and we came to the conclusion that they may be partially disclosed.

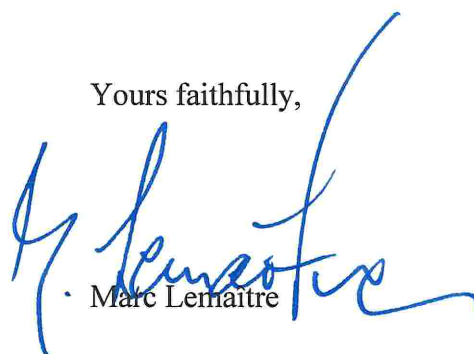
To this end you will find enclosed 2 files. The first one contains mission expenses, which include travel costs, accommodation costs, daily subsistence allowances and any other expenses which are eligible for reimbursement according to the Guide to Missions for officials and other servants of the Commission, completed with the rules of the Code of conduct for Commissioners. The second file contains representation costs, which concern, under the existing regulatory framework, all expenditure incurred in entertaining people from outside the institutions either at their place of employment or on mission (see Code of conduct for Commissioners and the Commission Decision C(2007)3494) split by Commissioner. Both files cover the period mentioned in your request.

In accordance with Article 7(2) of Regulation 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  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Marc Lemaître

Enclosures : 2 tables