



EUROPEAN COMMISSION
Neighbourhood and Enlargement Negotiations

The Director-General

Brussels,

210116

Ms Flutura Kusari
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By registered letter with acknowledgment of receipt

Subject: Your application for access to documents – Ref GestDem No 2015-6282

Dear Ms Kusari,

I refer to your message in which you make a request for access to documents under Regulation (EC) No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents, registered on 1 December 2015 under the above mentioned reference number. Through a mail of 21 December 2015, you were informed, in accordance with Article 7 (3) of Regulation No 1049/2001, about the extension of the deadline for a response by 21 January 2016.

Your application concerns screening reports of Western Balkans countries related to Chapter 10 - Information society and media and Chapter 23 – Judiciary and fundamental rights. I inform you that such reports exist for Montenegro and Serbia.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, you can find in annex I the link to the relevant Commission website for the screening reports that have already been disclosed, namely the screening report for Chapter 10 for Montenegro and the screening reports for Chapters 23 for Montenegro and Serbia.

As regards the screening report for Chapter 10 for Serbia, I regret to inform you that access cannot be granted, as disclosure is prevented by the exception to the right of access related to the protection of the public interest as regards the Commission's decision-making process laid down in Article 4 (3) of this Regulation. This screening report has been tabled in the Council of the European Union but discussions have not been conclusive so far. Once concluded, it will however be disclosed as is the case for those screening reports where the discussions have already been concluded.

In your request, you have not established arguments that would show the existence of an overriding public interest in disclosure of this document at this point in time. Neither has

¹ OJ L145, 31.05.2001, page 43.

the Commission identified such an overriding public interest. Recital (11) of the Regulation states that the institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. According to recital (6) wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, which is not the case for the document you requested.

Granting partial access to the requested document was examined and deemed not possible for the reasons stated above. Please note that I cannot provide you with more detailed information on this document without disclosing its substance which is protected by the exception laid down in Article 4 (3) of Regulation 1049/2001.

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 of 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

Yours sincerely,



Christian Danielsson

Enclosure: 1