

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY

The Director-General

Brussels,
REGIO DGA2.01/AW

Subject: Your application for access to documents – Ref GestDem No 2016/3268

Dear Mr Harris,

I refer to your e-mail submitted on 9 June which was registered on 13 June under GESTDEM 2016/3268 - Task Force for Better Implementation 2.1.

We apologise for the delays in replying to your request in accordance with the time schedule provided in our letter of 19 August.

You request access to action plans agreed with Members States on how to improve their absorption of the funds. You also requested copies of minutes of corresponding meetings.

Your application concerns therefore the following documents in relation to work carried out under the Task Force for Better Implementation (TFBI):

- Action plan for Romanian programmes covered by the TFBI (March, 2015)
- Minutes of meetings for Romanian programmes – TFBI (15 September, 9 November, 16 December 2015, 1 February 2016)
- Action plan for Italian programmes covered by the TFBI – Campania, Calabria, Sicilia, Réti et Mobilità (April, 2015)
- Action plan for Slovakian programmes covered by the TFBI
- Minutes of meetings for Slovakian programmes– TFBI
- Action plan for Hungarian programmes covered by the TFBI – Environment, Transport and Social Infrastructure (23 August 2016)
- Action plan for Czech programmes covered by the TFBI (October 2015)
- Minutes of meetings for Czech programmes – TFBI (26 January, 21 May, 15 July, 15 December 2015 and 1 February 2016)
- Action plan for Slovenian programmes – TFBI (29 January 2015)

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- Action plan for speeding up the implementation monitoring table all OPs (28/1/2016)
- Task Force Action plan monitoring templates 2016 REGIO comments (22/2/2016)
- Action plan for Croatian programmes – TFBI (22 January 2015)
- Action plans for Bulgarian programmes OPC, OPTA, OPE, OPRD, OPT– TFBI
- Minutes of meetings for Bulgarian programmes – TFBI (4 February 2016)

The authors of the action plans documents are the corresponding Member State authorities (ie the managing authorities responsible for the specific programmes at hand). The minutes were drawn up by the Commission services and were agreed by the Member State authorities with modifications where it was necessary. The action plans were modified throughout the year of 2015 as they constituted an internal risk management tool in the majority of Member States concerned; therefore, the dates included may refer to the last version available.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed. I regret to inform you however that your application cannot be granted regarding the documents here below, as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation. In particular, the Slovak authorities objected to disclosure any of the documents and the Hungarian authorities objected to disclosure of the minutes of meetings you requested. Croatia refuses to grant access to the implementation and monitoring tables.

- Action plan for Slovakian programmes covered by the TFBI
- Minutes of meetings for Slovakian programmes– TFBI
- Action plan for speeding up the implementation monitoring table all OPs (28/1/2016)
- Task Force Action plan monitoring templates 2016 REGIO comments (22/2/2016)
- Minutes of meetings for Hungarian programmes - TFBI

These authorities motivated their position as follows:

Hungary refers to the fourth indent of Article 4(1)(a), to the third indent of Article 4(2) and to Article 4(3) of this Regulation when invoking the applicable exceptions. Croatia and Slovakia refer to the second paragraph of Article 4(3). The documents contain information based on which further measures and examinations will be carried out by these authorities. They also relate to numerous ongoing procedures in which the Commission and these Member States may have opposing views. Therefore the publication of these documents may lead to decreasing efficiency in negotiations or undermined the national decision-making process.

Furthermore, some of the documents to which you have requested access contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². Therefore the corresponding parts of documents have been blackened.

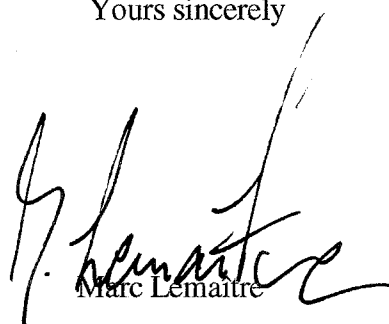
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely



Marc Lemaître

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.