



EUROPEAN COMMISSION

Secretariat-General

Directorate B - Institutional and Administrative Policies
The Director

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By registered mail:

Mr Adrián Blanco

Vía de Las Dos Castillas 33

E - 28224 Pozuelo de Alarcón (Madrid)

Copy by e-mail:

ablanco@elconfidencial.com

Subject: Your applications for access to documents pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents – ref. GESTDEM 2017/2078

Dear Mr Blanco,

I refer to your e-mail of 3 April 2017, registered on 4 April 2017, by which you submit a request pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

You request access to the *list of all petitions under the right of access to documents in the EU treaties sent since the law was passed*. You specify that the list should contain:

- *Summary of the petition*
 - *Date of the petition*
 - *Addressee of the petition*
 - *Country of origin of the petition.*
-
- *Decision: access given, access denied (...).*

Following our clarification request sent on 27 April 2017, you explained on the same day that your request concerns *application for access to documents* submitted under Regulation 1049/2001, rather than the *petitions*. You also indicated the timeframe of your request: from 30 May 2001 to 27 April 2017.

¹ Official Journal L145 of 31.05.2001, p.43.

The Commission services have identified the following documents as falling under the scope of your request:

- 16 annual tables extracted from the Commission's *Gestdem*² database, containing information regarding access-to-documents requests submitted under Regulation 1049/2001 and registered by the Commission each year between October 2002 and 2017.

Please note that the *Gestdem* database became operational only as from October 2002. Therefore, only from that moment onwards access-to-documents requests started to be encoded therein.

The information contained in the tables was extracted from the *Gestdem* database through by means of available search functions. It reflects the following:

- reference number,
- the DG/service to which the request was attributed,
- deadline to reply,
- date of the reply,
- type of applicant (citizen, academia, journalist, etc.),
- type of reply (positive/negative).

Following the examination of their content, I am pleased to inform you that full access to the above-mentioned 16 tables is granted. Please find their copies annexed.

The documents are disclosed for information only. You may reuse the released documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

Please note, however, that the tables do not contain other types of information requested such as a *summary of the application* (i.e. type or title of documents requested) and the *country of origin of the application*. The latter information cannot be extracted through any available search functions.

In the light of the applicable case-law³, these two categories of information may therefore not be considered as being included in any existing documents. In this context, I would like to refer to the judgement of the General Court in case C-491/15P, where it confirmed the position of the Court in the previous case T-214/13, according to which *Article 2(3) of Regulation No 1049/2001 applies only to existing documents in the possession of the institution concerned. An application for access that would require the Commission to create a new document, even if that document were based on information already*

² IT tool used by the Commission to manage requests for access to documents submitted under Regulation 1049/2001.

³ Judgment of the General Court of 2 July 2015 in case T-214/13, *Typke v Commission*, (ECLI:EU:T:2015:448), paragraph 56.

appearing in existing documents held by it, is not, therefore, an application for partial access and does not come within the parameters of Regulation No 1049/2001⁴.

Taking the above-mentioned considerations into account, in so far as the information relating to the type or title of the documents requested in access-to-documents applications and the country of origin of the applications are concerned, the Commission is not in possession of any document containing the information you requested.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to submit 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-B4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,



Pascal Leardini

⁴ Judgment of the Court of 11 January 2017 in case C-491/15P, *Typke v Commission*, (ECLI:EU:C:2017:5), paragraph 31.