



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate B
Director

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SG.B.4/DW/rc -

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Subject: Your request for access to documents under Regulation (EC) No 1049/2001 – reference GestDem No 2017/3940

Dear Mr Schindler,

We refer to your message of 4 July 2017, registered on 5 July 2017, in which you submit a request for access to documents under Article 6(1) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ ('Regulation 1049/2001').

1. SCOPE OF YOUR REQUEST

You request access to *[a]ll documents related to the application and interpretation of Regulation 1049/2001 by the European Commission (including its Legal Service)*. You specify that you are *particularly interested in documents providing interpretation and guidance to the Commission on terms in the Regulation as well as disputes with third parties about the interpretation*.

With regard to the last aspect mentioned (i.e.: *disputes with third parties about the interpretation [of the provisions of Regulation 1049/2001]*), you clarify that *[a] few examples might include the ad-hoc introduction of a postal address requirement for access to documents requests or the question what an "exceptional case" is as referred to in Article 7(3) of the Regulation*.

¹ Official Journal L 145 of 31.5.2001, p. 43.
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With regard to the second part of your request, we interpret that it relates to documents containing clarifications regarding the interpretation of the issues contested by the members of the general public (i.e. the beneficiaries of the Regulation 1049/2001), or the ones explaining the way in which the provisions of Article 7(3) of that Regulation are applied in practice.

In the light of the above, the Commission has identified the following documents as falling under the scope of your request:

1. Guidance note regarding wide-scope initial requests for access to documents under Regulation 1049/2001, ref.: Ares(2015)3538285,
2. Guidance note dated 23 January 2015, regarding access to documents relating to trilogues, including the annex regarding the consultation procedure between the services of the European Parliament, the Council and the Commission on trilogue documents, ref.: Ares(2015)282423,
3. Guidance note dated 29 June 2016, regarding Access to information and documents related to procurement and grant award procedures, ref.: Ares(2016)3063115,
4. Guidance note dated 28 February 2003, regarding public access to documents relating to infringement proceedings, ref.: SEC/2003/260/3,
5. Guidance note dated 27 March 2015, regarding access to names and functions of Commission staff, ref.: Ares(2015)1350426,
6. Guidance note dated 21 September 2016, regarding closed infringement procedures, ref.: Ares(2016) 5482746,
7. Summary fiche entitled *Access to databases*,
8. Summary fiche entitled *Access to documents from third parties*,
9. Summary fiche entitled *Access to documents of the Members of the Commission/Cabinets*,
10. Summary fiche entitled *Access to documents and the EP-Commission Framework Agreement*,
11. Summary fiche entitled *Access to documents relating to inspections, investigations and audits*,
12. Summary fiche entitled *Access to briefings*,
13. Summary fiche entitled *Access to draft impact assessment reports*,
14. Summary fiche entitled *Access to inter-service consultations*,
15. Summary fiche entitled *Access to correspondence under Directive 98/34*,
16. Summary fiche entitled *Third-party names and signatures*,
17. Summary fiche entitled *Access to Studies*,
18. Newsletter regarding obligation of the applicant to provide valid postal address,
19. Newsletter regarding documents emanating from Members of the Parliament (MEPs),

20. Newsletter regarding requests by consulted third parties to know the name of the applicant under regulation 1049/2001, ref.: Ares(2016)1069937².

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

Having analysed the content of the above-mentioned documents, I am pleased to inform you that access is granted to all documents identified. Please find copies of the documents annexed.

You may reuse the documents requested 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.

3. PARTS OF YOUR APPLICATION FALLING OUTSIDE THE SCOPE OF YOUR APPLICATION

If the second part of your application also covers records of disputes with third parties about the interpretation of Regulation 1049/2001, please be informed that in 2016 the European Ombudsman opened an investigation concerning the requirement to provide the postal address as a prerequisite for the registration of requests for access to documents submitted under Regulation 1049/2001, following a complaint submitted by the NGO Access Info Europe (AIE).

The relevant information about the treatment of that complaint is publically available at the website of the Ombudsman³.

Yours sincerely,



Paraskevi Michou

Enclosures: (20)

² The remaining newsletters announce that e.g. new guidance notes or the summary fiches was prepared or relate to purely technical aspects of the handling of the request for access to documents (e.g. announcement of the deployment of the new version of the Gestdem IT tool, ect.), therefore fall outside the scope of your request.

³ <https://www.ombudsman.europa.eu/en/cases/solution.faces/en/74051/html.bookmark>.