EUROPEAN COMMISSION

Brussels, 8.3.2018
C(2018) 1556 final

Mr John WALKER
2 Belliston Place
Anstruther
Anstruther Fife
KY 10 2RJ
United Kingdom

DECISION OF THE SECRETARY-GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO
ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) NO 1049/2001

Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2018/730

Dear Mr Walker,

I am writing in reference to your email of 12 February 2018, registered on 15 February 2018, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter Regulation 1049/2001).

Through your initial application of 30 January 2018, addressed to Directorate-General for Justice and Consumers (‘DG JUST’), you requested access to documents which contain the information on case law to successfully overturn an Appeal Decision regarding Housing Benefit in the U.K.

In its initial reply of 8 February 2018, DG JUST informed you that the Commission does not hold any documents that would correspond to the description given in your initial application.

Through your confirmatory application you request a review of this position.

Article 2(3) of Regulation 1049/2001 provides that the right of access as defined in that regulation applies only to existing documents in the possession of the Institution.

2 Official Journal L 145, 31.05.2001 p.43
Against this background, the Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission has not identified any documents held by it that would fall under the scope of your request for access to documents.

Given that no such documents have been identified, the Commission is consequently not in a position to handle your request.

Finally, I would like to draw your attention to the means of redress that are available against this decision. You may either bring proceedings before the General Court or file a complaint with the Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

For the Commission
Martin SELMAYR
Secretary-General

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION