



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

By registered letter with acknowledgment of receipt

Zane de Ponte
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2511 VD, The Hague
The Netherlands

Advance copy by e-mail to ask+request-5639-cd25332e@asktheeu.org

Subject: Your application for access to documents – ref. GestDem n°2018/3153

Dear Mr de Ponte,

We refer to your e-mail dated 10/06/2018 in which you make a request for access to documents, registered on 11/06/2018 under the above-mentioned reference number.

1. You request access to:

a) The agenda-points and, if available, minutes and preparatory memo's/documents of the following meetings of Commissioner Avramopoulos:

- 8 December 2014 - International Organization for Migration
- 24 February 2015 - The Smile of the Child
- 11 November 2015 - Open Society European Policy Institute
- 9 December 2015 - Transatlantic Institute
- 23 May 2016 - Transatlantic Institute

b) The agenda-points and, if available, minutes and preparatory memo's/documents of the following meetings of cabinet members of Commissioner Avramopoulos:

- 9 December 2014 - International Organization for Migration
- 27 February 2015 - Migration Policy Institute
- 29 May 2015 - Amnesty International
- 15 October 2015 - European Organization for Security (meeting on border management)
- 17 November 2015 - Open Society European Policy Institute
- 23 May 2016 - Transatlantic Institute

2. All meetings are published on the Commissioner's website (Transparency section) under the following links:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=1b4b07a3-f945-456c-a005-6546de4bf468&d-6679426-p=3>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=e2d6f6f8-a020-4a91-b127-37f543c30e5b>

3. After research in the archives of the cabinet of Commissioner Avramopoulos, we regret to inform you that the Commission does not hold agenda-points and preparatory documents related to any of these meetings. As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such agenda-points and preparatory documents corresponding to the description given in your application are held by the Commission, the Commission is not in a position to fulfil your request, as far as these documents are concerned.
4. We bring your attention to the fact that several of these meetings were short courtesy meetings organised in the beginning of the mandate, as follows:
- 24 February 2015 - The Smile of the Child (subject: actions on issues of unaccompanied children and abused children)
 - 27 February 2015 - Migration Policy Institute (subject: migration)
 - 29 May 2015 - Amnesty International ((subject: migration)
 - 17 November 2015 - Open Society European Policy Institute (subject: refugee crisis)
 - 9 December 2015 - Transatlantic Institute (subject: security and migration challenges)
 - 23 May 2016 - Transatlantic Institute ((subject: migration policy)
5. For the three remaining meetings:
- 8 December 2014 - International Organization for Migration (subject: migration)
 - 9 December 2014 - International Organization for Migration (subject: migration)
 - 15 October 2015 - European Organization for Security (meeting on border management, migration and security)

We have identified the three following documents:

- Document 1: Minutes of the meeting with IOM dated 08/12/2014 - Ares (2014)4320606
 - Document 2: Minutes of the meeting with IOM dated 09/12/2014 - ARES(2014)4215755
 - Document 3: Minutes of the meeting dated 15/10/2015 - ARES(2018)3323637
6. These three documents to which you have requested access contain personal data, in particular names of persons having drafted the reports and/or names of participants to the meetings that do not represent at very high level their organizations.

Pursuant to Article 4(1) (b) of Regulation (EC) n°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) n°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.

¹ Official Journal L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) n°45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the documents requested in which these personal data have been redacted.

7. As far as document 1 is concerned, since this document originates from a third party, the originator of the document has been consulted. Moreover, your request refers to the meeting for its part related to migration. That is the reason why the report is released only for the part dedicated to migration, the other elements being out-of-scope of your request.
8. 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,

Paraskevi MICHOU

[e-signed]

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.