



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels, **07 MARS 2019**

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Subject: Your application for access to documents – Ref GestDem No 2019/0539

Dear Sir,

We refer to your e-mail dated 28/01/2019 in which you make a request for access to documents, registered on 28/01/2019 under the above mentioned reference number.

By means of your request you ask to be granted access to “All documents containing information relating to the involvement of arms industry actors not already disclosed to the public (e.g. arms companies, their lobby groups, etc.) and private research centres in the context of:

- (1) the setting up and continuing development of the European Defence Industrial Development Programme ("EDIDP"), including in relation to considering a proposal to cover matters now addressed by the EDIDP, the decision to propose the EDIDP, subsequent legislative consideration of the EDIDP proposal and activities undertaken after the adoption of the EDIDP legislation; and
- (2) the decision to propose the European Defence Fund and its subsequent legislative consideration.”

You further clarify that you are looking for documents - not already disclosed to the public - which identify Commission interaction with any such arms industry actor and private research centre in relation to the initiatives above. Such documents may comprise minutes of meetings/correspondence with one or more of such stakeholders or otherwise refer to such stakeholders.

Having examined your request, we came to the conclusion that the scope of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, is covered by the scope of your request Gestdem 2017/7033 on 8 March 2018 by means of which you requested:

1. Details of **all stakeholders consulted** (including member states, industry, academia and others) 2. Details of all meetings, including minutes of meetings, with all stakeholders identified, 3. all correspondence with the stakeholders identified, that are relevant to the decision to establish the European Defence Fund; and the Defence Industrial Development Programme.

The Commission by means of its decision sent to you by letter on 14 November 2018 for the above-mentioned GESTdem application (C(2018) 7681 final, attached to this letter), communicated to you all relevant documents of all relevant stakeholders, with regard to the above-mentioned initiatives (EDIDP and EDF) that fell under the scope of your request. Therefore, the scope of our search for your present request comprised possible “private research centres” and “arms industry actors”.

Against this background, the Commission examined whether the legal or factual circumstances have changed since the adoption of its earlier decision *i.e.* Decision concerning the request Gestdem 2017/7033 sent to you by letter of 14 November 2018, taking into account all the elements provided by you by means of your present request and/or the information available to the institution.

In this context, it needs to be stressed that the “relevant circumstances” *i.e.* the legal/policy context with regard to the initiatives you asked to have access for (European Defence Fund and EDIDP) as well as the factual context have not been altered by any means since the Commission previous decision on your request or public access. Therefore, we would like to refer you to that Commission previous Decision (request Gestdem 2017/7033 of 21 November 2017) concerning the same documents given that there have not been any relevant legal or factual circumstances warranting a review of the earlier reply as explained above.

As concerns the period from 15 November 2018 to date, which was not covered by your request Gestdem 2017/7033, following internal search please note that we have not identified additional documents matching your request.

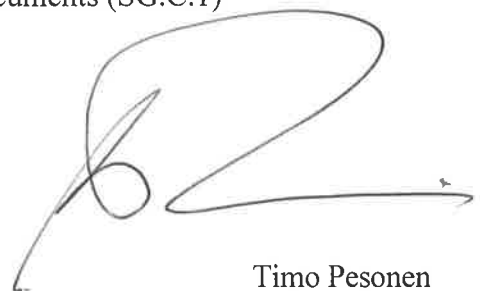
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position taken on Gestdem 2019/0539.

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, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours faithfully,



Timo Pesonen

Annex: C(2018) 7681 final

ANTTI PELTOMÄKI
Deputy Director-General
DG INTERNAL MARKET, INDUSTRY,
ENTREPRENEURSHIP AND SMEs