



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate C - Transparency, Efficiency & Resources
SG.C.1-Transparency, Document Management & Access to Documents

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Mr Bram Vranken

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Subject: Your confirmatory application for access to documents – GESTDEM 2019/539

Dear Mr Vranken,

We refer to your e-mail of 20 March 2019, registered on 21 March 2019 in which you make a confirmatory request for access to documents, in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter 'Regulation (EC) No 1049/2001').

In your confirmatory application, you explain its scope in the following terms:

‘[t]he request covered by Gestdem 2019/0539 is different from the request covered by Gestdem 2017/7033 in a number of respects (taking into account the Commission's interpretation of the scope of Gestdem 2017/7033).

First, the Gestdem 2019/0539 request is concerned not only with the decisions to set up European Defence Industrial Development Programme (EDIDP) and European Defence Fund (EDF) but also the broader contexts and subsequent stages of the initiatives;

Second, the Gestdem 2019/0539 request does not seek any document with a list of stakeholders or list of meetings, as the Commission finally construed Gestdem 2017/7033. Rather, it seeks all documents identifying interactions with the stakeholders subject to the request;

Third, unlike the Gestdem 2017/7033 request, the request covered by Gestdem 2019/0539 does not seek information related to interactions with Member States. Further, it seeks

documents that not only identify interactions with specific stakeholders but also documents that refer to actual or contemplated interaction with stakeholders in a more general way; and

Fourth, as the Commission has rightly recognised, the time period is different since Gestdem 2019/0539 covers documents created since the confirmatory decision in Gestdem 2017/7033 (but also because it extends to documents evidencing interactions beyond any "decision" stages).

With the above in mind, the Commission is requested to reconsider the request covered by Gestdem 2019/0539. Under no circumstances should the Commission understand the request only to ask for documents showing lists of meetings or consultations with stakeholders. Rather, what is requested is documents – not already disclosed to the public – identifying actual or contemplated interaction with arms industry actors and private research centres (in relation to the EDIDP and EDP). Such documents may include, for example, an email confirming a meeting with an arms industry actor or a calendar record showing a meeting with such stakeholders.’

The description given in your confirmatory application does not enable us to identify concrete documents which would correspond to your request. The document management systems of the European Commission do not yield any results based on the terms of your request, as for example ‘actual or contemplated interaction with arms industry actors and private research centres (in relation to the EDIDP and EDP)’ or ‘setting up and continuing development of the EDIDP’ and ‘the decision to propose EDF and its subsequent legislative consideration’.

We therefore invite you, pursuant to Article 6(2) of Regulation (EC) No 1049/2001 regarding public access to documents, to provide us with additional information making it possible to identify the documents requested, such as references, dates or periods during which the documents would have been produced, persons or bodies who drafted the documents, level of interaction etc.

In accordance with Article 2, third paragraph of the Implementing Rules to Regulation 1049/2001¹, the 15 working days time limit for handling your application will start running when we receive the requested clarifications.

Thank you in advance for your understanding.

Yours faithfully,



Maria OLIVAN AVILES
Head of Unit

¹ Official Journal L 345 of 29.12.2001, p. 94.