



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNATIONAL COOPERATION AND DEVELOPMENT

The Director-General

Brussels,
Devco.b.1(2019)3733141

***By registered letter with
acknowledgment of receipt***

Ms. Gisella A. ROJAS
Bayona II 28028
Madrid, Spain

Advance copy by email:

ask+request-6752-xxxxxxxx@xxxxxxxx.xxx

Subject: Your application for access to documents – Ref GestDem No 2019/2065

Dear Ms Gisella ROJAS,

I refer to your request dated 2 April 2019 in which you ask for access to documents, registered on 3 April 2019 under the above mentioned reference number. I also refer to the e-mail of 26 April 2019 by which you were informed of the extension of the time limit to handle your request by 15 working days.

Your application concerns: “all documents – including but not limited to minutes, notes, audio recordings, verbatim reports, operational conclusions, e-mails, and presentations – produced, exchanged and related to the following meetings between Alain Paul Lebeaupin, Apostolic Nuncio, Head of the Mission of the Holy See to the European Union and at the time: Neven Mimica, International Cooperation & Development, 3 November 2015”.

Based on your application I have identified the following document:

- 04/11/2015 – internal email from DEVCO: *INFO: Flashnote meeting Commissioner Mimica with Papal Nuncio to the EU, November 3rd.* – Ref. Ares(2019)2416021

Having carefully examined your request, I regret to inform you that your application cannot be granted for the document mentioned above. Its disclosure is prevented by exceptions to the right of access pursuant to Article 4 of Regulation (EC) No 1049/2001¹.

Article 4(1)(a), third indent of Regulation (EC) No 1049/2001 provides that “[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] the public interest as regards [...] international relations [...]”.

As far as the protection of international relations is concerned, EU Courts have acknowledged that the institutions enjoy a wide discretion when considering whether access to a document may undermine that public interest².

The identified document reflects the discussions between Commissioner Mimica and Mgr Lebeaupin, Apostolic Nuncio to the European Union (Head of the Mission of the Holy See to the EU) and the opinions of the latter as regards the cooperation between the EU and the Holy See in the field of development. This document is an informal readout drawn up for internal use by the Commissioner and his services. Its content and conclusions have not been agreed with the Holy See and a unilateral public release of these internal opinions and information could harm the EU’s relations with the Holy See as well as future bilateral discussions on foreign policy and global issues.

I therefore conclude that the document listed above has to be withheld based on Article 4(1)(a) third indent (protection of international relations) of Regulation (EC) No 1049/2001. Please note that Article 4(1)(a) third indent of Regulation 1049/2001 has an absolute character and does not include the possibility to demonstrate the existence of an overriding public interest.

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, I have also considered the possibility of granting partial access to this document. However, for the reasons explained above, no meaningful partial access is possible without undermining the protection of international relations.

In accordance with Article 7(2) of Regulation (EC) No 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 Secretariat-General of the Commission at the following address:

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

² Judgment of the Court of First Instance of 25 April 2007, *WWF European Policy Programme v Council*, T-264/04, EU:T:2007:114, paragraph 40.

European Commission
Secretariat-General
Unit C.I. 'Transparency, Document Management & Access to Documents'
BERL 7/076
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or by email to: sg-xxxxxxx@xx.xxxxxx.xx

Yours faithfully,

[e-signed]
Stefano MANSERVISI

