|  |  |
| --- | --- |
|  | Brussels, 27 August 2019 |
| Ms Helen DarbishireEmail: ask+request-7136-3e3515e0@asktheeu.org |
| Ref. 19/1646-ld/nsRequest made on: 15.07.2019Deadline extension: 05.08.2019 |
| Dear Ms Darbishire, |

Thank you for your request for access to documents addressed to the European Council.[[1]](#footnote-1)

The General Secretariat of the Council has gathered a number of documents containing all the information you wished to obtain. I am pleased to be able to transmit them to you today. The documents have been redacted only to the extent strictly necessary (deleting some names) in light of data protection rules, as detailed further below.

I am confident that you will find all the information you need.

For your information, the budget allocated for travel and external representation of the President of the European Council is set out in the EU budget and amounts for 2017 and 2018 to 675.000 EUR respectively.[[2]](#footnote-2) The actual travel expenditure for the President was respectively 314.806,66 EUR in 2017 and 361.750,86 EUR in 2018.

We do not hold any information concerning the President's private travel expenditure, as travel for personal reasons (including to his country of origin) is not covered by the budget of the Institution, but by the President's private resources.

The documents you will find in attachment are:

─ 37 documents concerning statements of travel expenses of the President of the European

 Council Donald Tusk in 2017 and 38 documents in 2018 covering both regular flights and flights with air taxi.

─ List of passengers for all flights with air taxi in 2017:

- 11/01/2017 Valetta (Luxaviation)

- 16/01/2017 Zagreb (Luxaviation)

- 18/01/2017 Strasbourg (Luxaviation)

- 24/01/2017 Berlin (Luxaviation)

- 31/01/2017 Tallinn/ Paris (Luxaviation)

- 01/02/2017 Rome (Luxaviation)

- 02-03/02/2017 Valletta (Luxaviation)

- 15/03/2017 Strasbourg (Luxaviation)

- 17/03/2017 Rome (Luxaviation)

- 24-25/03/2017 Rome (Luxaviation)

- 02-05/04/2017 Ljubljana/ Skopje/ Sofia/ Athens (BAF)

- 06/04/2017 London (BAF)

- 17/05/2017 Strasbourg/ Paris (Luxaviation)

- 25/05/2017 Taormina (BAF)

- 28/05/2017 Bratislava (Luxaviation)

- 29-30/06/2017 Berlin/ Tallinn (Luxaviation)

- 01/07/2017 Strasbourg (Luxaviation)

- 05/07/2017 Paris (Luxaviation)

- 12-13/07/2017 Kiev (BAF)

- 26/09/2017 London (BAF)

- 28-29/09/2017 Tallinn (BAF)

- 09/10/2017 Stockholm (Luxaviation)

- 10-12/10/2017 Copenhagen/ Paris/ Berlin/ Rome (BAF)

- 13/10/2017 Bucharest/ Bratislava (Luxaviation)

- 24/10/2017 Strasbourg (Luxaviation)

- 17/11/2017 Gothenburg (Luxaviation)

- 01/12/2017 Dublin (Luxaviation)

- 08/12/2017 Pecs (Luxaviation)

─ List of passengers for all flights with air taxi in 2018:

- 11/01/2018 Sofia (Luxaviation)

- 16/01/2018 Strasbourg (Luxaviation)

- 07-08/02/2018 Budapest/ Berlin (Luxaviation)

- 14/02/2018 Rome (Luxaviation)

- 15-16/02/2018 Vilnius (BAF)

- 08/03/2018 Dublin (Luxaviation)

- 14/03/2018 Helsinki (Luxaviation)

- 26/03/2018 Varna (BAF)

- 10/04/2018 Dublin (Luxaviation)

- 18/04/2018 Strasbourg (Luxaviation)

- 24-28/04/2017 Tirana/ Podgorica/ Belgrade/ Pristina/ Sarajevo/ Skopje (Luxaviation)

- 06/05/2018 Ljubljana (Luxaviation)

- 16-17/05/2018 Sofia (BAF)

- 19-20/06/2018 Stockholm/ Madrid/ Rome (BAF)

- 22/06/2018 Vienna/ Budapest/ The Hague (Luxaviation)

- 26/06/2018 Berlin (Luxaviation)

- 30/06/2018 Schladming (Luxaviation)

- 03/07/2018 Strasbourg (Luxaviation)

- 10/09/2018 Rome (BAF)

- 11/09/2018 Berlin (BAF)

- 15-16/09/2018 Cairo (BAF)

- 19-20/09/2018 Salzburg (BAF)

- 24/10/2018 Strasbourg (Luxaviation)

- 12-13/11/2018 Palermo (Luxaviation)

The statements of travel expenses contain all information to enable the Institution effectively to process, control and cross check invoices. They also include all the actions taken concerning the organisation of the missions, including in certain cases, modifications and cancellations. Compensations for modifications and cancellations of flights are indicated through 'note de credit' at the end of the mission statement.

As regards flights with air taxi, please note that such flights are used only when it concerns a mission of the President of the European Council and when no suitable commercial service is available. The statement of expenses lists the overall price of the flight. As a general rule, the flight costs are attributed to the President of the European Council, and then redistributed also to the other passengers. The total amount to be redistributed, and therefore borne by the other passengers is also indicated in the statement. The redistribution of costs among the passengers is not the result of an arithmetic division, but is capped at the price of a commercial flight. The difference between the price of the flight and the redistributed share, is charged on the President's missions credits.

Please note further that for security reasons, only secured transport can be used for the President of the European Council. In cases where a host State does not provide this service, car service is organised by the GSC and included in the mission expenses of the President. The President's mission expenses also include collective costs for the travelling delegation, such as meeting rooms, airport services or catering on flights, which are attributed to his mission costs.

The statements of travel expenses exist only in French.

The documents have been redacted to the extent strictly necessary - and therefore constitute partially accessible versions[[3]](#footnote-3) - on the following grounds.

The documents contain personal data about identified persons. These personal data are necessary for the Council and its service provider to carry out their work correctly.

Data protection rules at EU level[[4]](#footnote-4) provide that when the personal data collected is to be used for a different purpose than the original one, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.[[5]](#footnote-5)

After carefully considering these arguments, the General Secretariat has concluded that, on balance, disclosure of the personal data contained in the documents would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the relevant parts of the documents have been redacted.[[6]](#footnote-6)

As indicated initially, only these redactions have been carried out, and I remain confident that the documents transmitted should satisfy the interest underlying your request.

Let me recall that, as you are certainly aware, you can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).[[7]](#footnote-7)

If you require any additional information, please do not hesitate to contact us again.

Yours sincerely,

Paulo VIDAL

Enclosures

1. The General Secretariat of the Council - acting as secretariat for the European Council pursuant to Article 235(4) of the Treaty on the Functioning of the European Union - has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) set out in Article 10(2) which makes Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) applicable mutatis mutandis. [↑](#footnote-ref-1)
2. Definitive adoption (EU, Euratom) 2017/292 of the European Union’s general budget for the financial year 2017 (OJ L51 - 28.2.2017) and definitive adoption (EU, Euratom) 2018/251 of the European Union’s general budget for the financial year 2018 (OJ L57 - 28.2.2018). [↑](#footnote-ref-2)
3. Article 4(6) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-3)
4. Regulation (EU) 2018/1725 of the European Parliament and the Council of 23 October 2018

 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data(OJ L 295/ of 21.11.2018. p.39) [↑](#footnote-ref-4)
5. Article 8 of Regulation (EC) No 45/2001. [↑](#footnote-ref-5)
6. Article 4(1)(b) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-6)
7. Article 7(2) of Regulation (EC) No 1049/2001.

Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent. [↑](#footnote-ref-7)