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EPSO/05/RK/mr ARES (2019)s. 8810021

Mr Álvaro MERINO
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Subject: Your request for access to documents of 13/11/2019
Ref. GestDem 2019/6677

Dear Mr Merino,

I refer to your message whereby you lodged a request for access to documents pursuant to Regulation (EC) No 1049/2001. Your message was registered on 13 November 2019 under the above reference number.

Scope of your request

You made the following request for access to documents:

- "- Number of people currently registered in the reserve lists from which EU institutions can recruit new staff members, specifying their age, gender, nationality and possible portfolio.*
- Number of candidates recruited by any EU body monthly from 2003 onwards, specifying the recruiting institution and the position, age, gender and nationality of the new employee.*
- Number of tests conducted monthly from 2003 onwards, specifying the percentage of successful candidates (laureates), the nationality of all candidates and the position offered.*
- From those successful candidates from 2003 onwards, percentage of laureates per country, age and gender".*

Analysis of your request

Regulation (EC) No 1049/2001 provides that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions, and limits defined in the Regulation.

According to Article 2(3), the Regulation "*shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession*". According to Article 3 a), a document is "*any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility*".

It should be clarified that the right of access to documents held by the institutions within the meaning of Article 2(3) of Regulation No 1049/2001 applies only to existing documents in the possession of the institution concerned (C-127/13 P, *Strack v Commission*, paragraph 38). An application that would require the institutions to create a new document, even if that document were based on information already appearing in existing documents held by it, is not, therefore, an application for access and does not come within the parameters of Regulation No 1049/2001 (T-214/13, *Typke v Commission*, paragraph 55). Furthermore, Regulation No 1049/2001 does not cover requests for information.

*

I have identified the following document as falling within the scope of your requests:

An excerpt of EPSO's statistical IT tool "i:stat - ESTER" - Ref. Ares(2019) 7793575 - 18/12/2019.

This excerpt includes:

- a graph showing recruitments per month;
- a table showing all laureates by category and citizenship;
- a table showing available laureates by category, field and citizenship (only lists since AD2010);
- a table showing available laureates by category, field and citizenship (only lists before AD2010).

I furthermore confirm that EPSO does not know of the existence of any other documents drafted by the Commission services or received by the latter which would fall within the scope of your request for access, other than the one specified above.

*

I am pleased to inform you that EPSO grants you broad partial access to the document identified above.

The access granted is partial due to the fact that the full document also contains information which does not come within the scope of your request for access. This information has therefore been redacted in the version disclosed to you.

I confirm that unrestricted access has been granted to all elements of the document containing information that falls within the scope of your above request.

Yours sincerely,



Sari LEHKONEN

Annex

- Excerpt of EPSO's statistical IT tool "i:stat - ESTER" - Ref. Ares(2019) 7793575 - 18/12/2019 (redacted version)