



EUROPEAN COMMISSION

Brussels, 11.2.2019  
C(2019) 1308 final

██████████  
EUobserver  
Rue Montoyer 18B  
1000 Brussels  
Belgium

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE  
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under  
Regulation (EC) No 1049/2001 - GESTDEM 2018/5002**

Dear ██████████,

I refer to your e-mail of 19 December 2018, registered on the same day, in which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter 'Regulation (EC) No 1049/2001').

**1. SCOPE OF YOUR REQUEST**

In your initial application of 21 September 2018, you requested access to '[...] all documents, including but not limited to letters, sent by the European Space Agency to the European Commission with comments on the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the space programme of the Union and the European Union Agency for the Space Programme'.

In its initial reply of 19 December 2018, the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs informed you that it does not hold any documents that would fall within the scope your request.

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<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L 145 of 31.5.2001, p. 43.

In your confirmatory application, you request a review of this position. You also specify the following in your application: '[a] spokeswoman from the European Space Agency has confirmed to me that ESA has indeed sent such a letter in July 2018, with the Commission in cc.'

This information has been taken into account in the assessment, the results of which are described below.

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) NO 1049/2001**

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Following this review, I can inform you that the European Commission has identified the following document as falling within the scope of your request:

- Proposal by the European Space Agency's Director-General of 22 July 2018 for certain amendments to the European Commission's proposal for a Regulation establishing the space programme of the Union and the European Space Agency for the Space Programme, reference Ares(2019)662412.

Since this document originates from a third party, the originator has been duly consulted, in accordance with Article 4(4) of Regulation (EC) No 1049/2001. The third party agreed to the full disclosure of the requested document.

I can inform you that, following an assessment of the requested document and after taking into account the opinion of the third party, full access is granted to the requested document, since its content does not fall under any of the exceptions to the right of access provided in Article 4 of Regulation (EC) No 1049/2001.

Please note that this document was received by the European Commission from the European Space Agency. It is disclosed for information purposes only. It does not reflect the position of the European Commission and cannot be quoted as such.

Yours sincerely,



*For the Commission*  
*Martin SELMAYR*  
*Secretary-General*

Enclosure: (1)