



## EUROPEAN COMMISSION

Secretariat-General

Directorate C – Transparency, Efficiency & Resources

**The Director**

Brussels  
SG.C.1/TB/rc -

*By registered mail with AR*

Ms Margarida Da Silva  
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***Copy by email:***

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**Subject: Your application for access to documents – GESTDEM 2020/6201**

Dear Ms Da Silva,

I refer to your e-mail/letter of 16 October 2020, registered on the same day, in which you make a request for access to documents, under the above-mentioned reference number. Please accept our apologies for the late reply to your request.

### **1. SCOPE OF YOUR REQUEST**

You request access to, I quote:

‘Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents related to any guidance or instructions on how to handle and process access to documents requests.

I am particularly interested in guidance regarding lobby meetings’ record-keeping and requests regarding interactions with lobbyists’.

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

We regret to inform you that the Commission does not hold any documents that would correspond to the part of your request referring to ‘guidance regarding lobby meetings’ record-keeping and requests regarding interactions with lobbyists’.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Article 2(3) of Regulation (EC) No 1049/2001 provides, in particular, that ‘[t]his 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, in all areas of activity of the European Union’.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

Indeed, there are two Commission Decisions that provide for the rules relating to lobby meetings:

- 2014/838/EU, Euratom: Commission Decision of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals<sup>1</sup>; and
- 2014/839/EU, Euratom: Commission Decision of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals<sup>2</sup>.

If an access to documents request is submitted in relation to a lobby meeting, the Commission applies the rules of Regulation (EC) No 1049/2001. As per Article 1(2) of both Commission Decisions, the information to be made public shall consist of the date of the meeting, the location, the name of the Member of the Commission and/or member of the Cabinet or the name of the Director-General, the name of the organisation or self-employed individual and the subject of the meeting. As there are no further record-keeping obligation in relation to lobby meetings, the above information is published to the public in the form of a clear and self-explanatory table as a result of a search on the webpages of the Transparency Register<sup>3</sup>. Therefore, it did not seem particularly necessary to issue any specific guidance on lobby meetings.

Concerning the part of your request referring to ‘documents related to any guidance or instructions on how to handle and process access to documents requests’, the Secretariat-General of the European Commission has identified the following documents as falling under the scope of your request with regard to your particular interest in getting access to documents related to lobby meetings:

- Fiche 5 – Access to documents from third parties, updated August 2018, (hereafter ‘document 1’);
- Fiche 9 – Third parties’ personal data (names, signatures, contact details, etc.), updated 30 March 2020 (hereafter ‘document 2’); and

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<sup>1</sup> <https://eur-lex.europa.eu/legalcontent/EN/TXT/?qid=1585562344788&uri=CELEX:32014D0838>

<sup>2</sup> <https://eur-lex.europa.eu/legalcontent/EN/TXT/?qid=1585562413431&uri=CELEX:32014D0839>

<sup>3</sup> <https://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>

- Access to names and functions of Commission staff – Guidance note, dated 16 December 2020 (hereafter ‘document 3’; documents 1 to 3 are hereafter the ‘requested documents’).

I can inform you that full access is granted to the requested documents.

### **3. MEANS OF REDRESS**

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:

European Commission  
Secretariat-General  
Unit C.1. ‘Transparency, Document Management and Access to Documents’  
BERL 7/076  
B-1049 Brussels,

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu).

Yours sincerely,

Tatjana Verrier  
Director

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