



EUROPEAN COMMISSION

Brussels, 03.08.2021  
C(2021) 5917 final

Mr Marcio Diogo Da Silva Augusto  
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**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 – GESTDEM  
2021/2001**

Dear Mr Da Silva Augusto,

I am writing in reference to your email of 3 June 2021, registered on 4 June 2021, by which you lodge 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’).

Through your initial application of 31 March 2021, you requested access to:

1. list of people attending the 21/03/2016 meeting between Jan Ceysens and BusinessEurope;
2. Minutes and other documents indicative of what discussed at the meeting;
3. And documents that may have been produced by said meeting.

By letter of 1 June 2021, the Directorate-General for Financial Stability, Financial Services and Capital Markets Union informed you that it was not able to identify any documents as falling within the scope of your request.

In your confirmatory application, you question the absence of any documents.

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

<sup>2</sup> Official Journal L145, 31.05.2001, p. 43.

Against this background, the European Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission does not hold any documents that would correspond to the description given in your application.

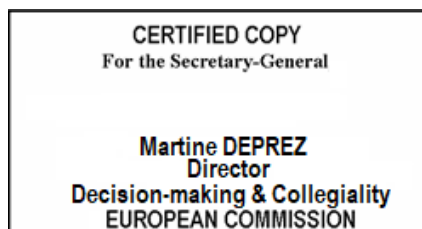
Considering that your request concerns documents of a Cabinet from the previous Commission (2014-2019), the Commission has searched in its Historical Archives. However, no document corresponding to the description given in your file was found.

While it is considered good practice to produce meeting minutes or summaries of the meetings that Cabinet Members hold with external representatives, there is no legal obligation to do so.

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. Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



*For the Commission*  
*Ilze JUHANSONE*  
*Secretary-General*