



EUROPEAN COMMISSION  
EUROSTAT

The Director-General

Luxembourg, 03-12-2013  
ESTAT/DG/WR/A5/PBC/ib/D(2013)3827934

Mr David CABO  
*by e-mail:*  
*ask+request-985-da25d21b@asktheeu.org*

**Subject: Your application for access to documents – Ref. GestDem No 2013/5433**

Dear Mr Cabo,

We refer to your e-mail dated 05/11/2013 in which you make a request for access to documents, registered on 08/11/2013 under the above mentioned reference number.

Your application concerns the following documents:

- Schedule of the trip, and names of the Eurostat officials travelling.
- Detailed agenda of the meetings with Spanish public bodies, and names of the public servants attending those meetings.
- Minutes of those meetings.
- Any report elaborated by the Eurostat delegation as the result of the trip.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed. For parts of the documents your application cannot be granted as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation. As for the document “schedule of the trip” no such document was specifically drawn up. The schedule of the trip was implicitly covered by the agenda.

The expunged parts of the documents which you seek to obtain relate to an on-going process initiated under Regulation (EC) No 479/2009<sup>1</sup> with a view to assessing the quality of statistical information provided by the Member State concerned, under that Regulation. The process is still at a preliminary stage and no decision has yet been taken by the Commission.

Disclosure of these documents would undermine the protection of several interests. Firstly, the purpose of the on-going process, as it would put in the public domain preliminary findings which have not yet been confirmed and which may be rebutted by the entities involved.

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<sup>1</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community

Therefore, the exception laid down in Article 4(2) third indent of Regulation 1049/2001 applies. Secondly, the decision-making process of the Commission, as it would reveal preliminary views and options which are currently under consideration. The Commission services must in this regard be free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation 1049/2001 applies.

Thirdly, as regards your specific request for names of persons, the integrity of these individuals must be protected in accordance with Union legislation on the protection of personal data. Therefore the exception laid down in Article 4(2)(b) of Regulation 1049/2001 also applies. However, the Commission official heading the mission, Mr Luca Ascoli, Head of Eurostat's unit D.1, has given his explicit consent to his name being disclosed.

In addition to the document to which access is granted, we have considered whether partial access could be granted to other documents requested. However, we have found that those documents are entirely covered by the exceptions indicated above.

The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. You have in your application not provided information that would indicate that such overriding public interest would be at hand.

In accordance with Article 7(2) of Regulation 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 Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-5  
BERL 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Walter Radermacher

Annex: Draft agenda



EUROPEAN COMMISSION  
EUROSTAT

Directorate D: Government Finance Statistics (GFS)

## **EDP Ad-hoc visit to Spain, 26 – 27 September 2013**

**Starting on 26 September 2013, 14.30**

### **Draft Agenda**

#### **Thursday, 26 September 2013**

##### **14.30 - Responsibilities of INE and IGAE in EDP issues**

Participants:

INE, IGAE

##### **16.30 - EDP reporting in the Autonomous Community of Madrid**

Participants:

16.30: INE, IGAE, Court of Auditors of Madrid, National Court of Auditors

17.00: INE, IGAE, IGCM, Court of Auditors of Madrid, National Court of Auditors

#### **Friday, 27 September 2013**

##### **09.00 - EDP reporting in the Autonomous Community of Valencia**

Participants:

09.00: INE, IGAE, Court of Auditors of Valencia, National Court of Auditors

10.00: INE, IGAE, IGGV, Court of Auditors of Valencia, National Court of Auditors

16.00: Court of auditors of Valencia, National Court of Auditors

##### **17.00 - Conclusions**

Participants:

INE, IGAE