



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Recovery & Resilience Task Force
Director - Recovery & Resilience II

Brussels
SG.RECOVER.B.1/SC

Subject: Your application for access to documents – GESTDEM 2021/7168

Dear Sir,

We refer to your e-mail dated 19 November 2021, registered on the same day under the above mentioned reference number, by which you request access to:

“All documents held by the Commission on the preparation of a recovery and resilience plan of the Netherlands as part of the European Recovery and Resilience Facility (RRF), from 28 May 2020 until 19 November 2021”.

It is important to note that even though the Dutch authorities and the Commission services have held preliminary discussions on the preparation of the Dutch Recovery and Resilience Plan, the Netherlands has so far not submitted any such plan to the Commission. Such a plan is expected to set out the reforms and public investment projects that The Netherlands will implement with the support of the Recovery and Resilience Facility, the key instrument at the heart of NextGenerationEU, the EU's plan for emerging stronger from the COVID-19 pandemic.

The lists of documents falling within the scope of your application are in Annex 1 and 2.

Following an examination of the **documents included in Annex 1**, under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that access to those documents cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in the 4th indent of Article 4(1)(a) and in the first subparagraph of Article 4(3) of this Regulation.

The documents included in Annex 1 are mostly correspondence between the Commission and the Dutch Government on the preparation of the Dutch Recovery and Resilience Plan. They also include minutes that are internal documents of the Commission. The disclosure of the internal considerations laid down in the requested documents would undermine the independence and objectivity of the Commission's decision-making process on the Dutch Recovery and Resilience Plan, which has not been completed.

Peter Teffer
Ekko Voorkamer
Bemuurde Weerd WZ 3
3513 BH Utrecht
The Netherlands
e-mail: ask+request-10239-80d68e15@asktheeu.org

We have also examined the possibility of granting partial access to documents listed above in accordance with Article 4(6) of Regulation (EC) No 1049/2001. However, meaningful partial access for these documents is not possible, as they are fully covered by the exception relating to the protection of decision-making process, provided for in Article 4(3), first subparagraph of Regulation 1049/2001. Expunging the confidential information would make the documents meaningless or illegible.

We do provide you **partial access to the documents included in Annex 2**, expunging the confidential information. A complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)b of Regulation 1049/2001, because they contain personal data (such as names and functions of Commission staff below senior management positions, or third-party personal data).

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 Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Please accept our apologies for the delay in the handling of your request.

Yours sincerely,

Maria Teresa FABREGAS
FERNANDEZ

Enclosure: Annex 1 – list of documents
 Annex 2 – list of documents
 Annex 3 – documents listed in Annex 2