Subject: Your application for access to documents – GESTDEM 2021/8093

Dear Mr Sangiao,

I refer to your e-mail of 26 November 2021 in which you make a request for access to documents. Please accept my apologies for the delay in replying to you.

Please note that, as mentioned in an e-mail to you of 15 December 2021 (Ares(2021)7754402), parts of your request have been attributed to the Directorate-General for Health and Food Safety.

You requested access to the following documents: “all correspondence (including reports, official letters, emails, databases, attachments, minutes and meeting memoranda, as well as any other type of public document not mentioned in the previous list) sent or received by DG SANTE or any body that depends on it with the Government of Spain (especially with the Presidency of the Government or with the Ministry of Health, but also with any other department of the Government of Spain) until now on the performance of tests and diagnostic tests for COVID and the review and inspection of COVID passports at airports”.

We regret to inform you that the Directorate-General for Justice and Consumers does not hold any documents that would correspond to the description given in your application, that is, correspondence between the Directorate-General for Health and Food Safety or its Executive Agency and the Spanish authorities.

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.

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1 GESTDEM 2021/7361.
Given that no documents corresponding to the description given in your application are held by the Directorate-General for Justice and Consumers, the Directorate-General is not in a position to fulfil your request.

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

According to standard operational procedure, the reply to a request for access to documents is usually sent by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 pandemic, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to just-citizenship@ec.europa.eu.

Yours sincerely,

Ana GALLEG0

Electronically signed