

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Director-General

Brussels,
JUST/A4/Ares(2014)

Ms Cornelia Trentea

by e-mail to ask+request-1054-59cea65d@asktheeu.org

Subject: Your application for access to information and documents – Ref GestDem No 2013/6029

Dear Ms. Trentea

We refer to your e-mail dated 1 December 2013 in which you make a request for access to information and documents, registered under the above-mentioned reference number. Please note that this letter addresses exclusively points I and II of the aforesaid request for access to information and documents, while part III of your request for access to documents is being processed directly by OLAF.

Insofar as point I of your request for access is concerned, please find below the information about individual documents that have been identified as potentially relevant and my decision concerning the possibility of disclosing these documents to you:

Project 2012/PROG/AG/3720

Document	Content	Response to request for access
ARES(2013)2037973 of 6 June 2013	Request for changes addendum and information about new project member (incl. revised budget and CV of new staff member)	Documents may be partially released (personal data expunged), with the exception of the CV of new staff member (not released, covered by the exception on protection of personal data, unless an overriding public interest can be demonstrated).
E-mails of: -7 June (cover e-mail of ARES(2013)2037973,	Correspondence concerning ARES(2013)2037973	Documents may be partially released (personal data expunged).

- 21 June 2013 (9:57), - 21 June 2013 (13:30), - 21 June 2013 (13:34), - 24 June 2013		
E-mail of 25 June 2013	Reply to the request included in ARES(2013)2037973	Documents may be partially released (personal data expunged).
E-mail of 27 June 2013	Reaction of DIHR to COM's reply	Documents may be partially released (personal data expunged).
E-mail of 5 July 2013	Further reaction of DIHR to COM's reply	Documents may be partially released (personal data expunged).
E-mail of 2 July 2013	Information about a letter sent on 2 July 2013 (ARES (2013)2560203)	Documents may be partially released (personal data expunged).
Letter of 2 July 2013 (ARES (2013)2560203)	Rejection of the request for changes	Already released in response to GestDem 2013/4993, therefore in public domain.
E-mail of 15 July 2013	Reaction to COM's letter sent on 2 July 2013 (ARES (2013)2560203)	Documents may be partially released (personal data expunged).
Letter of 7 August 2013 ARES(2013)2876842	Request for termination	Documents may be partially released (personal data expunged).
E-mail of 6 September 2013	Acknowledgement of receipt of ARES(2013)2876842 and request for reports/cost claim	Documents may be partially released (personal data expunged).
E-mail of 9 September 2013	Information that no costs will be claimed	Documents may be partially released (personal data expunged).
E-mail of 9 September 2013	Acknowledgment of receipt	Documents may be partially released (personal data expunged).
Letter of 30 September 2013 -	Termination and pre-information	Already released in response to GestDem

ARES(2013)3277299	letter before recovery	2013/4993, therefore in public domain.
E-mail of 7 October 2013 – ARES(2013)3202115	Acknowledgement of receipt of ARES(2013)3277299	Documents may be partially released (personal data expunged).
ARES(2013)3142128	Debit note	Already released in response to GestDem 2013/4993, therefore in public domain.

Projects 2007/FRAC/AG/0019, 2008/FRAC/AG/1226, 2008/FRAC/AG/1241: Please note that no changes to foreseen project activities or deliverables were requested by the beneficiary, hence no documents falling under point I of your request have been identified.

Project 2009/FRAC/AG/1279

Document	Content	Response to request for access
E-mail of 21/11/2011	First information about a potential modification of a project deliverable	Documents may be partially released (personal data expunged)
E-mail of 03/05/2012	Request for replacement of a toolkit by a different deliverable	Documents may be partially released (personal data expunged)
E-mail of 15/05/2012	Approval of the change	Documents may be partially released (personal data expunged)

Project 2010/PROG/AG/0534

Document	Content	Response to request for access
E-mail of 17/08/2011 E-mail of 15/08/2011 E-mail of 6/06/2011 (16:40) E-mail of 6/06/2011 (2:03)	Correspondence about potential modifications of the project, including letter of 23/05 (sent by e-mail) and annexes detailing the changes and CVs of new staff members	Documents may be partially released (personal data expunged), with the exception of the CV of new staff member (not released, covered by the exception on protection of personal data, unless an overriding public interest can be

E-mail of 23/05/2011		demonstrated).
E-mail of 20/05/2011		
E-mail of 19/05/2011 (15:06)		
E-mail of 19/05/2011 (15:00)		
E-mail of 19/05/2011 (9:35)		
E-mail of 18/05/2011		

Project 2011/PROG/AG/1909

Document	Content	Response to request for access
ARES(2012)261809 E-mail of 6/03/2012 E-mail of 2/03/2012	Request for changes (letter of 10 February, a copy sent by e-mail, including a revised budget). Cover e-mail and ensuing e-mail correspondence.	Documents may be partially released (personal data expunged).
ARES(2012)432651	Approval of changes requested under ARES(2012)261809, revised budget enclosed.	Documents may be partially released (personal data expunged).
ARES(2012)708160 of 8/06/2012	Information about new project member and request for extraordinary approval of changes in the budget (including modified budget and CV of new staff member).	Documents may be partially released (personal data expunged), with the exception of the CV of new staff member (not released, covered by the exception on protection of personal data, unless an overriding public interest can be demonstrated).
ARES(2012)796819 of 02/07/2012	Approval of changes requested under ARES(2012)708160	Documents may be partially released (personal data expunged).
E-mail of 8/10/2012 and ARES 2012 (1200397)	Request for project changes	Documents may be partially released (personal data expunged).

ARES(2012)1311287	Response to the request for project changes requested under ARES 2012 (1200397)	Documents may be partially released (personal data expunged).
ARES (2012)1364134	Signed addendum for some of the changes requested under ARES 2012 (1200397)	Documents may be partially released (personal data expunged).

Please note that having examined the documents requested under point I of your request 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. Some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 (1b) and (2) of this Regulation.

- The names and signatures of the members of the staff of the European Commission and the Danish Institute for Human Rights and other individuals involved in the projects concerned by your request, as well as their personal telephone numbers and electronic contact details;
- The CV of a new staff member of the Danish Institute for Human Rights.
- The bank details of the Danish Institute for Human Rights.

Disclosure of these parts of the documents would undermine the protection of the following interests:

I. privacy and the integrity of the individual:

Please note that pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the

¹ OJ L 8 of 12.1.2001, p. 1.

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, OJ C 234 of 28.8.2010, p. 3.

documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to make a confirmatory application requesting the Commission to review this position.

II. commercial interests of a legal person, including intellectual property:

Publishing financial data (including bank details) of a legal person may harm the commercial interests of the said legal person. Moreover, there is no overriding public interest justifying the disclosure of this information.

Regarding point II of your e-mail of 1 December 2013, please note that no additional documents or information relevant to the text quoted by you has been identified by the Commission (beyond the documents identified as falling under point I of your request and listed above). Consequently no such documents can be disclosed in response to your request.

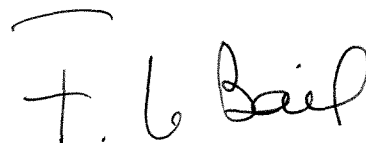
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

Yours faithfully,



Françoise LE BAIL