



European Aviation Safety Agency

Frank Manuhutu • Chief Legal Adviser • Executive Directorate

Cologne, 22. JAN. 2014
DHOR/rma/E(5) 2014(D)50353

Mick McDonnell

Sent by email to:
ask+request-1108-72f9a4c5@asktheeu.org

Subject: Your request on access to documents

Reference: Your e-mail to EASA, dated 19.12.2013

Dear Mr McDonnell,

Thank you for your email of 19 December 2013, registered on 20 December 2013 in which you apply for access to documents in accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31 May 2001, p. 43). More specifically you request access to audits and resolution of Part-145 foreign repair stations certified by EASA and not another competent authority where a non-compliance was noted regarding AMC 145.A.30(e) Personnel requirements (7) specifically relating to GM 145.A.30(e) and in particular the sections 1-3.

The scope of Regulation (EC) No 1049/2001 was extended to documents held by the European Aviation Safety Agency by Art. 58 para. 1 of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79 of 19.3.2008. p.1).

I regret to inform you that the documents you require fall under the system of exceptions provided for in Regulation (EC) No 1049/2001 and that consequently, we cannot provide them to you.

The exceptions that applies to the documents you requested are contained in Art. 4.1 (b) and 4.2 (third indent) of Regulation (EC) No 1049/2001. The Agency is not in the position to provide you with these documents since, due to their sensitivity, their release would undermine the protection of the privacy and integrity of the individual and, at the same time, it would undermine the protection of the purpose of inspections and audits, while we do not see an overriding public interest to nevertheless disclose them.

With particular reference to the application of these exceptions the following considerations have to be made. The audit results and the documentation related to 145.A.30 "personnel requirements" you have requested contain sensitive personal information of the staff interviewed during the audits and the release of such personal information would undermine the protection of their privacy and integrity in accordance with Art. 4.1 (b). Moreover, audit results and related documentation concerning on-going surveillance of approvals are subject to regular review and verification. This process requires a climate of mutual trust and confidence between the authority and the approval holders in order to enable them to disclose any safety relevant information to the authority. In this perspective the disclosure of the requested documents would seriously undermine the purpose of such inspections in accordance with 4.2 (third indent) since it would compromise the open dialogue between the Agency and the inspected entities. Such situation would be clearly negative for the safety process.

You are hereby notified that you have a right to request the Agency to reconsider its decision not to disclose the above mentioned documents by making a confirmatory application. In such case, you should send your justified confirmatory application in writing to the Executive Director of the Agency (Postfach 10 12 53, 50452 Cologne, Germany). Please note that you have 15 working days from receipt of this letter in which to make the confirmatory application. Any confirmatory application received beyond this deadline cannot be accepted.

Within 15 working days of receipt of your request the Executive Director will inform you regarding the outcome of this re-examination of your confirmatory application, either by granting you access to the documents, or by confirming the refusal. In the latter case, he will also inform you of any further appeal routes you may take.

Yours sincerely,



F. MANUHUTU