



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels, 15 March 2023  
HOME/BVI

Mr Jorgen Carling

Per e-mail with acknowledgment of receipt:  
ask+request-12608-  
6498524f@asktheeu.org

**Subject: Your application for access to documents – GESTDEM 2023/1088**

Dear Mr Carling,

I refer to your e-mail of 15 February 2023 in which you make a request for access to documents, registered on 16 February 2023 under the above-mentioned reference number.

You requested access to “*Grant Proposals and project review or evaluation documents (if any) related to AMIF grants 760240, 804908, 848252, 945436, and 101035948 (all AMIF grants to projects with acronym InfoMigrants or infomigrants.net).*”

I consider your request to cover documents held up to the date of your initial application, i.e. 15 February 2023 and have identified the following documents as falling within its scope:

**I. Grant Agreement 760240**

- Proposal - Ares (2016)7062583 - Proposal AMIF-2016-AG-IB A-INFO (hereafter ‘document 1’);
- Evaluation Report – Ares(2017)72010 - 06/01/2017 - Proposal Evaluation Form Direct award: AMIF-2016-AG-IBA-INFO (hereafter ‘document 2’);

**II. Grant Agreement 804908**

- Proposal – ARES (2017)5754206 Proposal AMIF-2017-AG-IBA-MINS - Part B Submission template - Description Of The Action (hereafter ‘document 3’);
- Evaluation Summary Report - Ares(2017)5849303 - 29/11/2017 – Proposal Evaluation Form Direct award: AMIF-2017-AG-IBA-MINS (hereafter ‘document 4’);

**III. Grant Agreement 848252**

- Proposal – ARES (2018)6149377 - Proposal AMIF-2018-AG-IBA-MINS - Part B Submission template - Description Of The Action (hereafter ‘document 5’);

- Evaluation Summary Report - Ares(2018)6015495 - 23/11/2018 - Proposal Evaluation Form Direct award: AMIF-2018-AG-IBA-MINS (hereafter ‘document 6’);

#### **IV. Grant Agreement 945436**

- Proposal – Ares (2019)6694404 - Proposal AMIF-2019-AG-IBA-MINS - Part B Submission template - Description Of The Action (hereafter ‘document 7’);
- Evaluation Summary Report - Ares(2019)7629029 - 11/12/2019 - Proposal Evaluation Form Direct award: AMIF-2019-AG-IBA-MINS (hereafter ‘document 8’);

#### **V. Grant Agreement 101035948**

- Proposal - Ares(2020)7526381- 11/12/2020 -Proposal 101035948 – InfoMigrants - AMIF-2020-AG-IBA-MINS (hereafter ‘document 9’);
- Evaluation Summary Report - Ares(2021)242771 - 12/01/2021- Evaluation Report AMIF-2020-AG-IBA-MINS (hereafter ‘document 10’).

Having examined the requested documents under the provisions of Regulation (EC) No 1049/2001 of the European Parliament and the Council regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation (EC) No 1049/2001’)<sup>1</sup>, I regret to inform you that your application cannot be granted in relation to documents 1, 3, 5, 7 and 9, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation, whereas for documents 2, 4, 6, 8 and 10 only partial disclosure is possible.

As regards the withheld documents, please note that they contain project proposals submitted by the beneficiary, including the description of the actions and the detailed estimated budget of the actions. Even though the projects at stake are direct awards to France Medias Monde, without a published call for proposals, what matters is the possibility for the beneficiary to respond to calls for proposals in the same domain and whether giving access to the requested information could be used to distort competition in future procedures<sup>2</sup>. I consider this to be the case, as France Medias Monde can apply in other competitive procedures, whereby its legitimate interests need to be protected. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents, according to which “[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] commercial interests of a natural or legal person, including intellectual property”.

With regard to the proposals’ evaluation documents, they i.a. contain information relating to methodologies, internal organisation, particular know-how, strategy and other specific proprietary information with competitive value. The detailed assessments that they contain are substantiated with facts and statements, taken from the grant applications and whose full disclosure would be equally harmful for the grant applicants’ legitimate interests, therefore documents 2, 4, 6, 8 and 10 can only be partially disclosed.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest in disclosure. After examining whether there is an

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<sup>(1)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>2</sup> The exception relating to commercial interests can also be applied to non-commercial entities. Judgment of 21 October 2010, *Kalliope Agapiou Joséphidès v European Commission and Education, Audiovisual and Culture Executive Agency (EACEA)*, T-439/08, ECLI:EU:T:2010:442, paragraphs 127-128.

overriding public interest in disclosure of these documents, I came to the conclusion that there is no such interest that would outweigh the protection of the competitive interests of France Media Mondes, in their quality as potential future applicant.

As a result, please find attached documents 2, 4, 6, 8 and 10 in a redacted version.

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](mailto:sg-acc-doc@ec.europa.eu)

Finally, I note that your request has been submitted outside the EASE portal. Therefore, I would appreciate, if you could acknowledge receipt of the present letter by sending an email to [HOME-ACCESS-DOCUMENTS@ec.europa.eu](mailto:HOME-ACCESS-DOCUMENTS@ec.europa.eu).

Yours faithfully,

Monique PARIAT