

## EUROPEAN COMMISSION

LEGAL SERVICE  
The Director General

Brussels, 27. 02. 2015

Mr Guido Strack  
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### BY E-MAIL AND REGISTERED MAIL WITH ACKNOWLEDGMENT OF RECEIPT

**Subject: Your application for access to documents – Ref GestDem No 2014/5291**

Dear Mr Strack,

I refer to your request introduced on 2 November 2014 and registered on 10 November 2014 under the above mentioned reference number, in which you make a request for access, under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> (hereafter "Regulation 1049/2001") to:

- "all documents on existing databases at the Legal Service, their structure, functionality and the way they operate as well as all annexes and technical descriptions on these databases as well as
- all documents relating to the invitation to tender, technical specifications and other documents including all annexes and technical descriptions drawn up and planned outside on these databases".

On 22 December 2014, I sent you the list of eight databases that have been identified as matching your request together with the list of the documents identified.

My first reply dated 22 December 2014 was related to databases Base Contentieux (BC)<sup>2</sup> and WTO-LD.

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<sup>1</sup> Official Journal L145, 31.05.2001, page 43

<sup>2</sup> Base contentieux: Datenbank über Rechtssachen vor den Gerichten der Europäischen Union (EuGH usw..) and WTO-LD (suivi du contentieux devant le WTO): Datenbank über Verfahren bei der WHO

On 27 January 2015, according to the fair solution you accepted on 3 January 2015, I sent you my reply to the second part of your request which was related to databases SOLON and SOLON KM<sup>3</sup>.

As agreed in your abovementioned email of 3 January 2015, the present reply refers to the five last databases listed in my email of 22 December 2014, that is to say databases FINSJ, NEMOS, JurRev, NAT and RECO<sup>4</sup>.

As listed in my reply dated 22 December 2014, the following documents have been identified as matching the part of your request related to databases FINSJ, NEMOS, JurRev, NAT and RECO:

IV. FinSJ

- 16. JUR(2006)900100: Suivi des dépenses effectuées dans le cadre des affaires du SJ – Description des fonctions
- 17. Ares(2014)1934885: Test case

V. Nemos

- 18. Ares(2014)4190490: Test case

VI. JurRev

- 19. Ares(2013)3167446: general test case

VII. NAT

- 20. Ares(2011)824451: Note de dossier

VIII. RECO

- 21. Ares(2011)824451: Note de dossier
- 22. Ares(2011)1031258: General test case
- 23. Ares(2011)1088949: mise à disposition de la version 1.6.5

I would like to draw your attention to the fact that the identified documents are those related to the currently running databases.

After a concrete assessment of documents under numbers 16 to 23, I am pleased to inform you that full access can be granted to these documents with the exception of the names or references of the staff members not having the function of senior management staff at the Commission, since this information is covered by the exception provided for in Article 4(1)(b) ("*protection of personal data*")<sup>5</sup> of Regulation 1049/2001.

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<sup>3</sup> SOLON et SOLON KM : Gestion documentaire et knowledge management

<sup>4</sup> FINSJ (Gestion financière et contractuelle du SJ); NEMOS (suivi des demandes de saisine dans le contexte des manquements d'Etat); JurRev (suivi des demandes de révision de l'équipe Qualité de la Législation); NAT (suivi du contentieux national) and RECO (suivi des recouvrements de créance),

<sup>5</sup> "The institutions shall refuse access to a document where disclosure would undermine the protection of: [...] (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".

Disclosure of this personal data would undermine the legitimate privacy rights of the concerned persons and, therefore, would be contrary to Article 4(1)(b) of Regulation 1049/2001. Indeed, according to the EU legislation regarding the protection of personal data, processing of personal data can only be carried out by the Commission if such processing is necessary and proportionate for the established purposes<sup>6</sup>. In the present case, I see no elements capable of showing the necessity for the refused data to be disclosed.

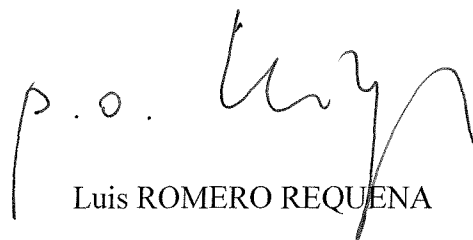
Accordingly, you will find enclosed an expunged version of documents under numbers 16 to 23. Please note that these documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary General at the address below.

The Secretary General will inform you of the result of this review within 15 working days from the date of registration of your request. You will either be given access or your request will be rejected in which case you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary General  
European Commission  
B-1049 BRUSSELS  
[Sg-Acc-Doc@ec.europa.eu](mailto:Sg-Acc-Doc@ec.europa.eu)



Luis ROMERO REQUENA

Enclosures: 8

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<sup>6</sup> Judgment of the Court of Justice of 29 June 2010, Case C-28/08P, European Commission v The Bavarian Lager Co. Ltd (paragraphs 77-78), European Court reports 2010 Page I-6055.