



EUROPEAN COMMISSION  
Secretariat-General

The Secretary-General

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**By registered mail:**

Mr Klaus ZINSER  
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**DECISION OF THE SECRETARY GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2015/1871**

Dear Mr Zinser,

I am writing in reference to your email of 21 April 2015, registered on 23 April 2015, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter Regulation 1049/2001).

Through your initial application of 26 March 2015, you requested access to:

- *the names of the members who were in th[e] [comitology] committee ['C35200 - Committee concerning applicable law, jurisdiction and enforcement in matrimonial matters, parental responsibility and maintenance obligations'] (the initial ones and the changes with date left or coming in,*
- *their profession and*
- *nationality,*

<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L145, 31.05.2001 p.43

- *if and whom of the EU commission members [sic!] and the*
- *EU commissioners (I suppose for Justice) were party of this [sic!] meetings.*
- *Further I would like to know when they came together in the past 10 years and who was joining*
- *if and when there were 'implementing acts adopted'*
- *if and when there were measures adopted.*

By e-mail of 21 April 2015, the Directorate-General for Justice and Consumers (DG JUST) informed you that it had not been able to identify any document as falling within the scope of your request.

In your confirmatory application, you request an internal review of this position.

Against this background, the Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission has not identified any document held by it that would fall under your request for access to documents.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to *existing* documents in the possession of the institution.

Given that no such document has been identified, the Commission is not in a position to handle your request. Indeed, your request seems to cover several elements of information, which are not covered by any document.

As regards the requested information, I note that DG JUST in another recent application for access to documents lodged by you (GestDem 2015/1824), where you asked for access to specific documents concerning the above-mentioned committee, replied on 21 April 2015 giving access to the documents requested. In these documents you can find information on the activities of the committee in question, including minutes, implementing acts and voting results. Information on the committee's meetings and written procedures, including their dates and adopted measures, can also be found on the website of the Commission's comitology register (<http://ec.europa.eu/transparency/regcomitology/index.cfm?CLX=en>).

Concerning your request for access to *the names of the members* please note that the members of the comitology committees are the EU Member States. The meetings are chaired by a Commission official. There are no members permanently appointed in a personal capacity but representatives designated by the Member States for each meeting.

The applicable rules for the committee's composition are based on the Standard Rules of Procedure for Comitology Committees (2011/C 206/06) adopted by the Commission in 2011, and are in line with Regulation 182/2011 laying down the rules and general

principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. Copies of the two documents are attached to this decision for your information.

Finally, I draw your attention to the means of redress available against this decision. You may, under the conditions of Article 263 TFEU, bring proceedings before the General Court or, under the conditions of Article 228 TFEU, file a complaint with the European Ombudsman.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day

Enclosures (2):

- Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
- Standard Rules of Procedure for Committees (2011/C 206/06)