

**From:** SG DOSSIERS ACCES  
**Sent:** 17 September 2012 11:24  
**To:** [REDACTED] SG)  
**Subject:** FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED]

Bonjour [REDACTED]

Tu trouveras, ci-après, la réaction de mécontentement de M. [REDACTED] suite à la réponse envoyée par nos services à sa demande confirmative – Gestdem 2012/3258.

Bien à toi,

[REDACTED]  
SG.B.5.  
Transparence.  
[REDACTED]



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**From:** [REDACTED] [[mailto:\[REDACTED\]](#)]  
**Sent:** Monday, September 17, 2012 11:04 AM  
**To:** SG ACCES DOCUMENTS  
**Subject:** Re: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED]

Dear Mr [REDACTED],

thank you for your response. I would be grateful if you could again look at this application for access to information and clarify the following points:

1. It is unclear to me whether you are using the fact that I added one field (the difficulty) to the confirmatory request and thereby widened the scope as a reason for rejecting the whole request, or whether you treat this request for the additional field as a separate, new request and then deal with the remaining confirmatory application. Please clarify this.

2. Am I understanding correctly that you are trying to use the following claims as reasons for rejecting the confirmatory request?

2.1 Do you reject the confirmatory request because, in your opinion, I ask for creating a new document by joining existing documents into one big table?

Please keep in mind that in your response from August 30, 2012, you misquote me. I did not, as you claim, "request the Commission to provide 'a table...'" but "a set of documents from which I will be able to construct a table...". This is an important difference, and once this case goes to court, you will have a hard time building a reliable defence on

misquoting me and on ignoring the actual contents of my request.

2.2 Do you reject the confirmatory request because, in your opinion, the requested documents, or the act of sharing them, are too complex?

Please keep in mind that Regulation 1049/2001 foresees no such thing as an upper limit of complexity for either the documents or the act of sharing them. This defense, too, would be very difficult for you to uphold in court, particularly in light of the fact that EPSO has proven to every single candidate that it is very easy for them to construct a table containing data that are quite similar to the data I requested. Every candidate routinely receives such a table in his EPSO account as part of the application process.

2.3 Do you reject the confirmatory request because I request documents from separate databases? Regulation 1049/2001 does not allow EU institutions to hide information from citizens by spreading data across multiple databases. In fact, whether the information is stored in one or in several databases is entirely irrelevant. Also, I formulated my request without assuming one or the other.

3. Regulation 1049/2001, Art. 8 (1) requires you to provide me with information about possible recourse against your rejection of my confirmatory application. I have not found any such thing in your response.

Please clarify these points and provide me with the required text about possible recourse against your rejection.

With best regards,

[Redacted]

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**From:** [Sg-Acc-Doc@ec.europa.eu](mailto:Sg-Acc-Doc@ec.europa.eu)

**To:** [Redacted]

**Sent:** Thursday, 30 August, 2012 12:38:45 PM

**Subject:** Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [Redacted]

Dear Mr. [Redacted],

Kindly find the answer to your confirmatory application concerning your request for access to documents pursuant to Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents (**GESTDEM 2012-3258**).

Yours sincerely,

[Redacted]

Unit SG.B.5, Transparency  
European Commission

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