

From: [REDACTED] (SG)
Sent: Tuesday 23 October 2012 15:35
To: [REDACTED] (EPSO)
Cc: [REDACTED] (SG); EPSO ACCES DOCUMENTS; SG DOSSIERS ACCES
Subject: FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED] - Request devoid of purpose- Non existing documents
Attachments: [REDACTED] FINAL[short version] 29.08.2012.pdf
Categories: [REDACTED]

Dear colleague,

Please see below our mail to EPSO on 19 September 2012 and the reminder sent on 16 October 2012.

In the absence of Ms [REDACTED] and Ms [REDACTED] I will be grateful if you could take care of this file.

Regards

[REDACTED]

From: [REDACTED] (SG)
Sent: Tuesday, October 23, 2012 3:32 PM
To: [REDACTED] (EPSO)
Cc: EPSO ACCES DOCUMENTS; SG DOSSIERS ACCES; [REDACTED] (SG)
Subject: FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED] - Request devoid of purpose- Non existing documents

Dear colleague,

We would like to obtain EPSO contribution regarding this case. We have send a holding reply to Mr [REDACTED] but we have to provide him with a substantial reply. I refer to my initial e-mail to EPSO below.

Thanks in advance for sending us urgently your position.

[REDACTED]

From: [REDACTED] (SG)
Sent: Tuesday, October 16, 2012 5:02 PM
To: [REDACTED] (EPSO)
Cc: EPSO ACCES DOCUMENTS; [REDACTED] (SG); SG DOSSIERS ACCES
Subject: FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED] - Request devoid of purpose- Non existing documents

Dear colleagues,

See below our exchange of mails with [REDACTED] regarding the request of access to documents of Mr [REDACTED] and his further correspondence.

We need EPSO input in order to reply urgently to his request.

Please contact us if you need further information on this case.

Yours sincerely

[REDACTED]

PS: Please find enclosed our first reply agreed with EPSO (request devoid of purpose). Mr [REDACTED] contests our position in his mail of 17 September below.

From: [REDACTED] (EPSO)
Sent: Monday, October 15, 2012 10:16 AM
To: [REDACTED] (SG)
Cc: [REDACTED] (SG); [REDACTED] (SG); SG DOSSIERS ACCES
Subject: RE: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED] - Request devoid of purpose- Non existing documents

Dear [REDACTED],

My apologies for not coming back to you on this previously. I have been hospitalised in all urgency on 5 October and am now at home but obliged to rest (due to [REDACTED]).

Could you contact the functional mailbox EPSO access documents or [REDACTED] please as I will be absent for several months?

Thanks,

[REDACTED]

From: [REDACTED] (SG)
Sent: 04 October 2012 16:20
To: [REDACTED] (EPSO)
Cc: [REDACTED] (SG); [REDACTED] (SG); SG DOSSIERS ACCES
Subject: RE: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED] - Request devoid of purpose- Non existing documents

Dear [REDACTED],

[REDACTED]

[REDACTED]

The replies to the requests which are devoid of purpose, are simple administrative letters signed at HoU level. [REDACTED]

[REDACTED] The problem in this particular case is, that SG is not in possession of the information that will allow us to refute the applicant arguments and conclude on the basis of our own analysis that the request concerns a non existing document. We have not seen the information which is available in the data base and what kind of documents may be extracted from the CBT application. [REDACTED]

[REDACTED] dependent of DG EPSO contribution.

[REDACTED], SG
will endorse alone the responsibility of a decision, [REDACTED]
Since Mr [REDACTED] does not agree with our first reply and questions our position in detail, [REDACTED]

[REDACTED]

Therefore, I must insist in getting a detailed contribution from EPSO and as suggested in my previous mail, meeting your experts. We need to be sure at this stage that [REDACTED]

I hope we can go forward smoothly with this case. If you have good arguments to reply to his last e-mail, we will appreciate to get them now.

Regards

From: [REDACTED] (EPSO)
Sent: Thursday, October 04, 2012 11:53 AM
To: [REDACTED] (SG)
Cc: [REDACTED] (SG)
Subject: RE: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED]

[REDACTED],

Toutes mes excuses, mais je n'ai pas eu l'occasion de travailler sur ce dossier.

J'ai relu encore une fois la réaction de Mr [REDACTED] et je me pose deux questions:

1)

2)

Néanmoins, si vous êtes convaincu que vous devez répondre au fond à toutes les questions, je contacterai l'unité 01 pour voir qui sera disponible lundi matin pour en discuter avec toi.

[REDACTED]

From: [REDACTED] (SG)
Sent: Wednesday, October 03, 2012 7:33 PM
To: [REDACTED] (EPSO)
Cc: [REDACTED] (SG)
Subject: FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED]

Chère [REDACTED]

As tu eu le temps de travailler sur ce dossier? [REDACTED]

Si nécessaire on peut se voir avec vos experts (CBT) pour établir une réponse. Lundi matin je suis disponible.

[REDACTED]

From: [REDACTED] (SG)
Sent: Wednesday, September 19, 2012 2:38 PM
To: [REDACTED] (EPSO)
Cc: EPSO ACCES DOCUMENTS; [REDACTED] (SG); SG DOSSIERS ACCES
Subject: FW: Your confirmatory application for access to documents under Regulation (EC) N° 1049-2001 - GESTDEM 2012-3258 - [REDACTED]

Chère [REDACTED]

Tu trouveras ci-joint la réponse de M. [REDACTED] à notre lettre lui confirmant que sa demande confirmative était sans objet. J'attire ton attention sur le fait que la réponse que a été finalement donné (voir copie ci-jointe) [REDACTED]

Ceci dit une réponse de sa part était prévisible. [REDACTED]

concernant le test CBT du dernier concours EPSO reçues récemment. Nous n'avons pas accès ni à la base ni aux documents en question et dans ces circonstances, il est difficile d'apprécier si la demande est fondée.

Notre position repose entièrement sur l'expertise de la DG EPSO. A présent, j'estime que les remarques de M. [REDACTED] méritent une attention spéciale, d'autant plus que je pense [REDACTED]

[REDACTED] Pour cette raison, je voudrais vous demander de contacter vos experts et leur demander d'examiner à nouveau les détails. Je sais que tu avez déjà contactez les spécialistes et c'est sur base de ses conclusions que nous avons élaborée la réponse mais l'insistance de M [REDACTED] [REDACTED]

Nous souhaiterons recevoir une contribution de votre part afin de donner réponse à cette lettre dans les délais.

Merci d'avance

[REDACTED]
PS Dans mon absence je te suggère de contacter [REDACTED] si tu as des questions;

From: SG DOSSIERS ACCES

Sent: Monday, September 17, 2012 11:24 AM

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.
Berl. [REDACTED]



From: [REDACTED] [[mailto:\[REDACTED\].com](mailto:[REDACTED].com)]

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,



From: Sg-Acc-Doc@ec.europa.eu

To: [REDACTED].com

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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