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SG.B4-Transparency

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Ms Julia KESERU
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By email only:
[ask+request-2259-
9d32ff80@asktheeu.org](mailto:ask+request-2259-9d32ff80@asktheeu.org)

**Subject: Your application for access to documents under Regulation (EC) No 1049/2001
- GESTDEM 2015/4871**

Dear Ms Keseru,

I refer to your email, dated 9 September 2015 and registered on 15 September 2015, by which you make a request pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

You request access to *documents which contain the following information:*

- *Records related to "alerts" submitted via the Transparency Register [...] about organizations based in the United States of America that are part of the Register. Specifically, any index of information about these alerts that may exist as well as the details of each alert.*

and

- *Records related to "Complaints" submitted via the Transparency Register [...] about organizations based in the United States of America that are part of the Register. Specifically, any index of information about these complaints that may exist as well as the details of each complaint.*

In this context, please note that the distinction between alerts and complaints applies only since the entering into force of the revised *Interinstitutional Agreement between the European Parliament and the European Commission on the Transparency register* on

¹ Official Journal L145 of 31.05.2001, p.43.

1 January 2015. Please also note that the fact that an alert or a complaint was submitted against a registrant does not necessarily result in a finding of an omission and that an update to a registration does not necessarily signify that there had been intentional misreporting.

In your request for access, you refer to alerts and complaints concerning organisations based in the United States of America. I would like to highlight that the concept of an organisation's *base* is relatively elusive and difficult to identify, in particular as regards multinational enterprises. Therefore, in order to be able to reasonably carry out the assessment on the scope of your request, we have used the information supplied in the field *contact details of the organisation's head office* so as to identify the alerts and complaints that fall within the scope of your request for access.

We have since 2011 identified two closed alerts or complaints triggered about organisations that we understand to be based in the United States of America:

- Goldman Sachs Intl. (27 January 2015)²³;
- CISCO (27 July 2015)⁴⁵.

Moreover, we have recently received an alert regarding alleged irregularities in around 4.000 entries, which might also include organisations based in the United States. However, whilst this alert is entirely available on *Transparency International's* website,⁶ the Joint Transparency Register Secretariat (JTRS) is currently still examining the alert as to the most appropriate follow-up

As a number of important elements of these alerts or complaints have already been made public (see footnotes below), please consult those documents and consider whether they meet your interest. Nevertheless, if you would like to have further documents, I would like to invite you, pursuant to Article 6(2) of Regulation (EC) No 1049/2001 regarding public access to documents, to provide us with more detailed information on the documents which you seek to obtain, notably by indicating the documents of your interest from the list enclosed to this letter.

In this respect, please also bear in mind that should you request access to documents elaborated by third-parties, we would need to carry out an individual assessment of each document and launch third-party consultations, which would likely delay our initial reply.

If you need assistance in clarifying or specifying your application, you can contact us by email to: sg-acc-doc@ec.europa.eu.

² <https://www.lobbycontrol.de/wp-content/uploads/150126-Complaint-Goldman-Sachs-1.pdf>

³ <http://alter-eu.org/sites/default/files/documents/2015-06-19%20Letter%20to%20Complainant.pdf>

⁴ <http://alter-eu.org/sites/default/files/documents/FINAL%20EUTR%20complaints%2027.7.15.pdf>

⁵ <http://alter-eu.org/sites/default/files/documents/Initial%20holding%20reply%20from%20JTRS.pdf>

⁶ <http://www.transparencyinternational.eu/2015/09/press-release-more-than-half-the-entries-on-the-brussels-lobby-register-are-inaccurate-incomplete-or-meaningless-2/>

The 15 working days the time limit for handling your application will start running again when we receive the requested clarifications.

Thank you in advance for your understanding.

Yours sincerely,



Martin Kröger
Head of Unit

Enclosure (1):

- list of relevant documents