



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

The Director-General

15 MARS 2016

Brussels,
Ares(2016)

By registered letter with acknowledgment of receipt

Mr. James PANICHI
Rue de la loi, 62
1040 Bruxelles

Advance copy by email :
ask+request-2601-47f01982@asktheeu.org

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2016/891

We refer to your e-mail dated 16/02/2016 in which you make a request for access to documents, registered on 24/02/2016 under the above mentioned reference number.

*Your request refers to "all correspondence and documentation relating to the case of Robert McCoy, a bona fide whistle-blower who, as the financial controller and internal auditor of the Committee of the Regions, reported allegations of embezzlement and fraud at the Committee of the Regions. I am requesting correspondence specifically from 2003 and 2004 received or sent by the European Commission relating to this case, including but not limited to correspondence to and from OLAF."*¹

We regret to inform you that no documents were found which correspond to the description given in your application.

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.

¹ We understand that with the statement "*correspondence (...) received or sent by the European Commission relating to this case, including but not limited to correspondence to and from OLAF*", you refer to the correspondence between the European Commission and OLAF or other third parties. As for the documents in possession of OLAF, we refer to your application for public access to documents THOR(2016)2654 and the reply addressed to you by OLAF on 15/02/2016.

Given that no such documents have been identified, the Commission is not in a position to handle your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission

Secretary-General

Transparency unit SG-B-4

BERL 5/282

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Irene SOUKA

Director General