



EUROPEAN COMMISSION

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Mr Arun Dohle  
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Germany

**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 2016/6547**

Dear Mr Dohle,

I refer to your e-mail of 13 December 2016, registered on 14 December 2016, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> ('Regulation 1049/2001').

**1. SCOPE OF YOUR REQUEST**

In your initial application of 21 November 2016, addressed to the Directorate-General for Justice and Consumers (DG JUST), you requested access to 'cancelled contracts Amici dei Bambini' from 1995 until now, and most specifically you requested access to documents that state the reason for the cancellation.

In its initial reply of 12 December 2016, DG JUST provided a reply explaining to you that no documents were identified as none of the cancelled contracts of this organisation falls within the area of activity of DG JUST.

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

<sup>2</sup> Official Journal L 145 of 31.5.2001, p. 43.

Through your confirmatory application you request a review of this position. You indicate that you do not wish that your search to be limited to contracts handled by DG JUST but to extend to all contracts from several DG's/programs which could have benefitted 'Amici des Bambini'.

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001**

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Following your confirmatory application, the Commission has carried out a renewed, thorough search of the documents in its possession and falling within the area of activity of DG JUST. Based on its renewed search, the Commission has not identified any document which would fall within the scope of your confirmatory application, as none of the cancelled contracts mentioned by you falls within the area of activity of DG JUST.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents held by the institution. Given that no such document has not been identified, the Commission is not in a position to handle your request.

However, this assessment is without prejudice of any of the contracts identified as falling under the responsibility of other Directorates-General than DG JUST.

Based on your request a renewed search for the cancelled contracts was conducted in the remits of other Directorates-General. The Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR) identified several contracts under its responsibility.

Please be informed that this request will be treated according to Regulation 1049/2001 and a reply will be provided by DG NEAR under Gestdem number 2017/207 in order to preserve your right to a two-stage review of the new identified documents.

### **3. MEANS OF REDRESS**

Finally, I would like to draw your attention to the means of redress that are available against this decision, that is, judicial proceedings and complaints to the Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

*For the Commission  
Alexander ITALIANER  
Secretary-General*

