



EUROPEAN COMMISSION

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Mr Arun Dohle
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Hoofddorp
Planetenweg 5
NL-2132 HN Hoofddorp

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 – GESTDEM 2018/3539**

Dear Mr Dohle,

I refer to your e-mail of 2 August 2018, registered on the same day, 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 documents² (hereafter ‘Regulation 1049/2001’).

1. SCOPE OF YOUR REQUEST

In your initial application of 30 June 2018, you requested access to ‘all documents relating to how and when “the right to a family” became part of the European narrative, objectives and the legal basis for this.’

In its initial reply of 23 July 2018, the Directorate-General for Justice and Consumers replied that no documents were found that would correspond to the description given in your application.

Through your confirmatory application you request a review of this position.

¹ Official Journal L 345 of 29.12.2001, p. 94.

² Official Journal L 145 of 31.5.2001, p. 43.

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.

In your confirmatory application, you mention that the European Commission is using the concept of the right to a family in public statements. You put forward a statement made in the report of a specific session of the Joint Council of Europe and European Commission Conference ‘Challenges in adoption procedures’³.

Please note that this quote comes from the results of a study⁴ which, together with other recommendations, were presented by the Commission official who represented the Commission during that conference⁵. I also note that you have, through an earlier request registered under reference number Gestdem 2013/1222, asked and obtained access to all documents related to the organisation of the conference.

After a renewed search of other documents than the ones in relation to the conference indicated above and to which you already received access to, and in the absence of any other concrete indications as to which public statements you refer to, I confirm that the Commission does not hold any other documents that would fall under the scope of your application.

I also note that in your confirmatory request you state that you would welcome a public statement to clear the position of the institution in this regard. As this point does not fall under the scope of a request for access to documents under Regulation 1049/2001 we have transmitted it to the Directorate-General for Justice and Consumers.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European 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
Martin SELMAYR
Secretary-General

³ Full title: ‘Challenges in adoption procedures : Ensuring the best interests of the child - 30 November-1 December 2009 (Session VI – The right to a family in the international legal framework and in practice)’.

⁴ http://ec.europa.eu/civiljustice/news/docs/study_adoption_legal_analysis_en.pdf

⁵ <https://publications.europa.eu/en/publication-detail/-/publication/9517db6b-3200-41df-bf94-38aca6d744ec/language-en>.