



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

Directorate E: Migration and Security Funds; Financial Resources and Monitoring
Unit E.2: National programmes for South and East Europe; AMIF/ISF Committee

By registered letter with acknowledgment of receipt

Brussels,
HOME.E.2/M.F

Mrs Estela Casajuana
XXXXXXXXXXXXXX
1016AK Amsterdam,
The Netherlands

Advance copy by email: ask+request-5402-
XXXXXXXXXX@XXXXXXXXXX.XXX

Subject: Your application for access to documents – Ref GestDem No 2018/2088 & No 2018/2089

Dear Mrs Casajuana,

We refer to your e-mails dated 12/04/2018 in which you make two requests for access to documents, registered on the same day under the above mentioned reference numbers.

I- Case Ref GestDem No 2018/2088

You requested access to documents which contain the following information:

- 1. The name and job title of the public officials that participated in the policy dialogue for both the AMIF and the ISF-Borders and Visa, representing the European Commission, Spain, Italy and Greece;*
- 2. The dates when the meetings / calls on the policy dialogue took place, for both the AMIF and ISF-Borders and Visa in relation to Spain, Italy and Greece;*
- 3. Any documentation shared by Spain, Italy and Greece with the European Commission for the purpose of - or in preparation for - the policy dialogue;*
- 4. Any documents produced by the European Commission for the purpose of - or in preparation for - the policy dialogue;*

5. *All documents that provide a record of the outcome of the policy dialogue between the European Commission and Spain, the European Commission and Italy and the European Commission and Greece;*
6. *All outcomes of the policy dialogue shared between the European Commission and the European Parliament. In case information is available per Member State, also the relevant documentation concerning Spain, Italy and Greece.*

Having examined your request under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, the following documents have been identified to fall under this request:

1. Key Policy Issues Papers prepared by the European Commission

- Document 1: Key Policy Issues Paper prepared by the Commission Services in the framework of the Policy Dialogue with Greece on the priorities for the two national programmes under the future Home Affairs Funds - Asylum and Migration Fund (AMF) and Internal Security Fund (ISF) (*ref: Ares (2013)3318658*);
- Document 2: Key Policy Issues Paper prepared by the Commission Services in the framework of the Policy Dialogue with Spain on the priorities for the two national programmes under the future Home Affairs Funds - Asylum and Migration Fund (AMF) and Internal Security Fund (ISF) (*ref: Ares (2013)1161964*);
- Document 3: Key Policy Issues Paper prepared by the Commission Services in the framework of the Policy Dialogue with Italy on the priorities for the two national programmes under the future Home Affairs Funds - Asylum and Migration Fund (AMF) and Internal Security Fund (ISF) (*ref: Ares (2013)3096146*).

I am pleased to give you full access to Documents 1, 2 and 3. Kindly note that you may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume any liability stemming from the reuse.

2. Comments from the Member States in reply to the Key Policy Issues papers prepared by the European Commission

- Document 4: Replies from Greece to the Key Policy Issues Paper prepared by the European Commission (*ref: Ares (2018)2797702*);
- Document 5: Replies from Spain to the Key Policy Issues Paper prepared by the European Commission (AMIF part) (*ref: Ares(2018) 2797820*);
- Document 6: Replies from Spain to the Key Policy Issues Paper prepared by the European Commission (ISF part) (*ref: Ares(2018) 2797976*);

- Document 7: Replies from Italy to the Key Policy Issues Paper prepared by the European Commission (*ref: Ares (2018)2359907*)

After careful examination and following the agreement of the Member States author of the documents, we have come to the conclusion that the documents 4, 5, 6 and 7 can be totally disclosed.

However please note that these documents were received by the Commission from the Italian, Spanish and Greek Authorities. They are disclosed for information only. Those documents do not reflect the position of the Commission and cannot be quoted as such.

3. The Minutes of the Policy Dialogue with Greece, Spain and Italy

- Document 8: Minutes of the Policy Dialogue with Greece, which took place on 30 October 2013 (*ref: Ares(2014)700696*); (with this information, reply is also given to point 2 of your request)
- Document 9: Minutes of the Policy Dialogue with Spain, which took place on 5 July 2013 (*ref: Ares(2013)3249227*); (with this information, reply is also given to point 2 of your request)
- Document 10: Minutes of the Policy Dialogue with Italy, which took place on 18 October 2013 (*ref: Ares (2014)569057*); (with this information, reply is also given to point 2 of your request)

Following an examination of the above documents identified as falling under your request, pursuant to the provisions of Article 4 (1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents 8, 9 and 10 requested expunged from this personal data (also linked to

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.

point 1 of your request). Same reasoning on data protection apply to point 1 of your request, namely *the name and job title of the public officials and job title of the public officials that participated in the policy dialogue for both the AMIF and the ISF-Borders and Visa, representing the European Commission, Spain, Italy and Greece.*

Please also note that documents 8, 9 and 10, requested under point 5 of your request, contain also input provided by the Italian, Spanish and Greek Authorities. They are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

4. Correspondence between the European Parliament and the European Commission on the outcome of the policy dialogues

- Document 11: Letter from Mr Juan Fernando LOPEZ AGUILAR to Ms Cecilia MALMSTROM of 29.01.2014 on the outcome of policy dialogue- financial programmes in the field of home affairs (*ref: Ares(2014)301963*);
- Document 12: Reply from Ms Cecilia MALMSTROM to Mr Juan Fernando LOPEZ AGUILAR of 4.03.2014 (*ref: Ares(2014)527990*);
- Document 13: Letter from Mr Stefano MANSERVISI to Mr Juan Fernando LOPEZ AGUILAR of 17.03.2014 (*ref: Ares(2014)757330*).

I am pleased to give you full access to Documents 11, 12 and 13. Kindly note that you may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume any liability stemming from the reuse.

5. Information on the overall outcome of the policy dialogues in the framework of the preparation for programming of the Home Affairs Funds

- Document 14: Background Note / Information from the Commission to the European Parliament in accordance with Article 13 of the Horizontal Regulation, in view of the LIBE Committee meeting of 6 March 2014 (*ref: Ares(2014)527990*). Kindly note that the background note refers to the 6th of March but the meeting was cancelled and postponed to the 20th of March 2014.

I am pleased to give you full access to Document 14. Kindly note that you may reuse the document requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume any liability stemming from the reuse.

6. Country fiches for Greece, Spain and Italy prepared by the European Commission in view of the meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of 20th of March 2014.

- Document 15: Country fiche on the Policy dialogue with Greece (*ref: Ares(2014)757330*);
- Document 16: Country fiche on the Policy dialogue with Italy (*ref: Ares(2014)757330*);
- Document 17: Country fiche on the Policy dialogue with Spain (*ref: Ares(2014)757330*);

I am pleased to give you full access to Documents 15, 16 and 17. Kindly note that you may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume any liability stemming from the reuse.

7. The Minutes of the meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which are made available for the public under the links provided hereinafter

- Document 18: Minutes of the Meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), Brussels, 20 March 2014, available at the following link: <http://www.europarl.europa.eu/ep-live/en/committees/search?legislature=8&start-date=20-03-2014&end-date=20-03-2014&committee=LIBE>

II- Case Ref GestDem No 2018/2089

You requested access to documents which contain the following information:

1. All observations made by the European Commission to the proposed national programmes submitted by Spain, Italy and Greece regarding AMIF and ISF-Borders and Visa;
2. The outcomes of the observations shared between the European Commission and European Parliament. This may include, but not necessarily limited to, reports, minutes of meetings, verbatim reports of meetings, transcripts, etc. that would provide a record of the proceedings, as well as and any correspondence – including, but not limited to, letters, e-mails, and any attachments.

Having examined your request under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, the following documents have been identified to fall under point 2 of your request:

A. Correspondence between the European Parliament and the European Commission on the preparation of the national programmes in Home Affairs Funds

- Document 19: Letter from Mr Claude MORAES to Mr Dimitris AVRAMOPOULOS of 22.12.2014 with subject 'Information to the European

Parliament on the preparation of the national programmes in the Home Affairs Funds' (*ref: Ares (2014)321117*);

- Document 20: Reply to the above letter from Mr Dimitris AVRAMOPOULOS to Mr Claude MORAES of 27.01.2015 (*ref: Ares (2015)326051*);
- Document 21: Letter from Ms Marta CYGAN to Mr Claude MORAES of 19.02.2015 (*ref: Ares (2015)717481*)

I am pleased to give you full access to Documents 19, 20 and 21. Kindly note that you may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume any liability stemming from the reuse.

B. Information on the programming process of the Home Affairs Funds 2014-2020- National Programmes

- Document 22: Background Note/ Information on the programming process of the Home Affairs Funds 2014-2020- National Programmes/ Regular reporting from the Commission to the European Parliament on the preparation and implementation of national programmes in view of the LIBE Committee meeting of 23-24 February 2015 (*ref: Ares(2015)717481*)

I am pleased to give you full access to Document 22. Kindly note that you may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume any liability stemming from the reuse.

C. Minutes of the Meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE)

- Document 23: Minutes of the Meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), Brussels, 16 October 2014 available at the following link: <http://www.europarl.europa.eu/ep-live/en/committees/search?legislature=8&start-date=16-10-2014&end-date=16-10-2014&committee=LIBE>;
- Document 24: Minutes of the Meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), Brussels, 3-4 December 2014 available at the following link: <http://www.europarl.europa.eu/ep-live/en/committees/search?legislature=8&start-date=03-12-2014&end-date=04-12-2014&committee=LIBE>;
- Document 25: Minutes of the Meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), Brussels, 23, 24 and 26 February 2015 available at the following

link: <http://www.europarl.europa.eu/ep-live/en/committees/search?legislature=8&start-date=23-02-2015&end-date=26-02-2015&committee=LIBE>;

Regarding point one of your request ('All observations made by the European Commission to the proposed national programmes submitted by Spain, Italy and Greece regarding AMIF and ISF-Borders and Visa'), kindly note that an extended time limit is needed as your application concerns a large number of documents and some of the documents requested originate from third parties. We will do our best to reply to this point of your request at the earliest stage possible.

Kindly note that, in case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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 sincerely,

e-signed

Bernadette FREDERICK
Head of Unit