



EUROPEAN COMMISSION

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C(2018) 6630 final

Mr Arun DOHLE
Against Child Trafficking
c/o Crown Business Center Schiphol-
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 – Gestdem 2018/4222

Dear Mr Dohle,

I am writing in reference to your email of 29 August 2018, registered on the same day, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter ‘Regulation 1049/2001’).

Through your initial application of 2 August 2018, you requested access to:

- ‘[a]ll documents, correspondence, internal and external, about "factsheet 22 - Focus on deinstitutionalisation of children", which was sent out on 25 May 2018 to the EU Delegations in the NEAR area, [i]ncluding, but not limited to, the drafting process, as well as internal and external consultations’.

On 28 August 2018, the Directorate-General for Neighbourhood and Enlargement Negotiations granted full access to ‘factsheet 22 - Focus on deinstitutionalisation of children’ and informed you that this was the only document identified as falling under the scope of the request.

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

² Official Journal L145 of 31.05.2001 p.43

In your confirmatory application, you question the absence of any further documents. You take the view that there must be other documents and refer to ‘a decision/request to prepare such a [f]actsheet’, ‘internal consultations’, ‘agreement by the hierarchy and ‘circulation sheets, in Ares’. You conclude that you ‘request a review, so that in the public interest there is transparency and accountability on how these policy processes take place.’

Against this background, the European Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission does not hold any further documents that would correspond to the description given in your application other than the one already identified by the Directorate-General for Neighbourhood and Enlargement Negotiations in its initial reply. The public links to the documents on which the disclosed factsheet was based are indicated in the footnotes of the factsheet.

I would also like to inform you that the factsheet was drafted by the European Commission's Centre of Thematic Expertise on Rule of Law, Fundamental Rights and Democracy. This factsheet was prepared for internal use of the Commission services. As this factsheet merely states facts, it does not entail policy proposals or announce any new policy initiatives, no consultations took place with the Directorate-General for Neighbourhood and Enlargement Negotiations. Furthermore, as this factsheet is not an official document of the European Commission and does not represent an official position of the European Commission, there has not been any formal, nor informal consultation with other Directorates-General on this document either.

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.

Given that the European Commission does not hold any other documents corresponding to the description given in your application, it is not in a position to fulfil your request.

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