



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

Director-General

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By registered letter with
acknowledgment of receipt

Mr Bram Vranken
Vredesactie
Patriottenstraat 27,
2600 Berchem

Dear Mr. Bram Vranken

Subject: Your application for access to documents – Ref GestDem No 2019/0523

We refer to your two e-mails dated 28/01/2019 in which you make a request for access to documents, registered on 28/01/2019 under the above-mentioned reference number.

By means of your request you ask to be granted access to “All documents held/all documents held by Ms Bieńkowska and her Cabinet containing information relating to the setting up and establishment of Group of Personalities, including those providing information on:

1. The reasons for setting up the Group of Personalities;
2. Factors considered relevant for determining the composition of the Group of Personalities;
3. Criteria defined and/or applied for the identification and/or selection of members of the Group of Personalities (or rejection of potential members);
4. The process for appointing members to the Group of Personalities;
5. Actors (apart from Member State and EU institution actors) approached in relation to the setting up the Group of Personalities; and
6. Actual or proposed or contemplated meetings with actors (apart from Member State and EU institution actors) in relation to the setting up of the Group of Personalities or some other type of interaction which is recorded in a document (e.g. invitation documents, documents requesting information from actual or potential candidates).”

You further clarify that you are looking for documents on the setting up of the Group of Personalities to have a better understanding of how the Commission approached the question of seeking input on the very important question of EU defence policy. In particular, you underline the importance to understand how the influence of the arms industry and other non-governmental special interests were taken into account and balanced with the other civil society needs.

Having examined your request, we concluded that the scope of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, is covered by the scope of your request GestDem 2017/7037 on 21 November 2017 by means of which you requested: “

1. All documents concerning the decision to set-up the Group of Personalities on Defence Research.
2. All documents concerning the selection-process for members of the Group of Personalities on Defence Research.
3. All documents concerning the decision not to register the Group of Personalities on Defence Research as an expert group.”

The Commission by means of its decision sent to you by letter on 19 November 2018 (Ref. Ares(2018)5908572, attached to this letter) for the above-mentioned GestDem application communicated to you all relevant documents matching the scope of your application, with regard to the above mentioned Group of Personalities.

Under GestDem 2017/7037, we had identified two documents that matched the scope of your request. Access was granted to documents 2c, with personal data redacted, based on the exception protecting the privacy and the integrity of the individual, provided for in Article 4(1)(b) of Regulation 1049/2001. In your current access to documents requests, registered under GestDem 2019/0523, you have not established the necessity to have the data transmitted for a specific purpose in the public interest.

Against this background, the Commission examined whether the legal or factual circumstances have changed since the Commission letter concerning the request GestDem 2017/7037 sent to you by letter of 19 November 2018, taking into account all the elements provided by you by means of your present request and/or the information available to the institution.

In this context, it needs to be stressed that the “relevant circumstances” i.e. the legal/policy context with regard to the initiatives you asked to have access for (Group of Personalities) as well as the factual context have not been altered by any means since the Commission’s previous reply on your request for public access. Therefore, we would like to refer you to the Commission’s previous reply (request GestDem 2017/7037 of 19 November 2018) concerning the same documents given, as there have not been any relevant legal or factual circumstances warranting a review of the earlier reply as explained above.

As concerns the period of time from 21 November 2017 to date which was not covered by your request GestDem 2017/7037, we regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil 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 taken on GestDem 2019/0523.


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, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,



Timo Pesonen

Annex: Letter of 19 November 2018, our reference: Ares(2018)5908572