

From: [EDRi](#)
To: [SG ACCES DOCUMENTS](#)
Subject: Internal review of access to information request - Trialogues on the Telecommunications Single Market Regulation
Date: lundi 7 septembre 2015 18:21:10

Dear Communications Networks, Content and Technology,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Communications Networks, Content and Technology's handling of my freedom of information request on 'Trialogues on the Telecommunications Single Market (TSM) Regulation' (ref.GestDem 2015/3273).

This confirmatory request is made in accordance with Article 7(2) of the Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.


In the reply to my request, the refusal to disclose the preliminary positions of and compromise proposals by the Presidency in the multicolumn documents and to grant access to the Internal Flash Reports, is based on the exception relating to the protection of the institution's decision-making process laid down in Article 4(3) or Regulation 1049/2001. However, the assumption that disclosure could seriously undermine the institution's decision making or impact the climate of mutual trust between institutions is unjustified. Trialogues cannot be a means to circumvent the obligations of transparency and good administration that the EU institutions should respect.


Furthermore, your repeated reasoning relating to the risk of putting the inter-institutional decision-making process under external pressure lacks consistency. It is acknowledged in your response that in the context of the TSM informal trialogues, some internal positions of the institutions have been disclosed to certain third parties (with no transparency, no procedure and no public justification), without any consideration of concern for the aforementioned external pressure. The redacted parts of the five "unsolicited notes" identified by the Commission are a clear indication that some stakeholders (and not all EU citizens) have access to certain documents. I dispute the assumption that there is no overriding public interest at stake, as access to these documents enables a wider participation to the EU legislative process. If the assumption of the Commission were correct, trialogues would be a way to circumvent the transparency and values under which the EU is based, as stated in Articles 11, 12 of the TEU and Article 15 of the TFEU as well as the protocol 1 and 2 to the Treaty. I therefore request an internal review to reconsider the publication of the three- and four- column documents.

Finally, with regard to my request for notes, your response identified five "unsolicited notes" provided by third parties. I would hereby request information containing the specific copyright law provision on which your refusal for full disclosure is based. In addition, I wish to inquire about the existence of notes from third parties that the Commission (at the DG level or cabinet level) solicited and a confirmation by the Commission that no other "unsolicited" notes were received with regard to this legislative dossier.

Thank you very much in advance. A full history of my FOI request and all correspondence is available on the Internet at this address: 

Yours faithfully,

EDRi
20 Rue Belliard
1040 Brussels
Contact person: 

Please use this email address for all replies to this request:


This message and all replies from Communications Networks, Content and Technology will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>
