



## EUROPEAN COMMISSION

Brussels, 23.11.2018  
C(2018) 8002 final

  
Belgium

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE  
IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under  
Regulation (EC) No 1049/2001 - GESTDEM 2018/4731**

Dear ,

I refer to your e-mail of 22 October 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 documents<sup>2</sup> (hereafter ‘Regulation (EC) 1049/2001’).

In your initial application of 7 September 2018, you requested access to:

‘– all briefing materials supplied to Mr Jean-Claude Juncker, the European Commission president, on strengthening the defence industry, between 1 November 2014 and 7 September 2018. By “briefing materials”, I mean documents drawn up by the EU's own officials and advisers on this topic and supplied to Mr Juncker or member of his Cabinet;  
– minutes and internal reports of all discussions held by Mr Jean-Claude Juncker (including members of his cabinet) on strengthening the defence industry between 1 November 2014 and 7 September 2018. This should include both meetings between Mr Juncker (including members of his cabinet) and EU officials and meetings between Mr Juncker (including members of his cabinet) and outside parties with an interest in the defence industry.’

According to the wording used in your application you are interested in briefing materials, minutes and internal reports of all discussions held by Mr Jean-Claude Juncker relating to ‘strengthening the defence industry’.

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<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L 145 of 31.5.2001, p. 43.

Directorate H of the Secretariat-General of the European Commission, in its initial reply dated 19 October 2018, informed you that it did not hold any documents corresponding to the wording of your request reproduced above.

Through your confirmatory application, you request a review of this position. In particular, you specify that you ‘do not find the explanation in any way convincing’ and ask the Secretary-General to ‘examine [your] request once more, to identify the documents [you] have requested and to provide [you] with them as soon as possible.’

Following your confirmatory application, the European Commission has carried out a renewed, thorough search for the documents requested concerning the topic you have indicated in your initial application - ‘*strengthening the defence industry*’. Based on this renewed search, I confirm that the European Commission has not identified any documents held by it that would fall under the scope of your application for access to documents.

As specified in Article 2(3) of Regulation (EC) 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 falling under the scope of your application have been identified at the confirmatory stage, the European Commission is not in a position to handle your confirmatory application.

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