



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels, 28/5/2020  
HOME/MP/DW/MBA/LA

***By registered letter with  
acknowledgment of receipt***

Mr. Erman Atak  
Faculty of Arts & Social Sciences  
Department of Political Science  
Postbus/ P.O. Box 616  
6200 MD Maastricht  
THE NETHERLANDS

***Advance copy by email:*** ask+request-  
7803-d22c55b0@asktheeu.org

**Subject: Your application for access to documents – Ref GestDem 2020/1669**

Dear Mr Atak,

We refer to your e-mail of 20 March 2020 in which you make a request for access to documents, registered on 23 March 2020 under the above-mentioned reference number.

You requested for the period between 20 June 2016 to 25 July 2017:

1. a list of all meetings, regarding the crisis in Libya and its neighbourhood (including its migration, humanitarian and Mediterranean search & rescue aspects) held by the Migration and Home Affairs with NGOs. The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;
2. all minutes and other reports of these meetings; all correspondence, including attachments (i.e. any emails, correspondence or telephone call notes) regarding these encounters. An example would be the invitation to attend these meetings/events or any follow-up correspondence; and
3. all documents prepared for the purpose of the meeting and/or exchanged during the course of the meeting. An example would be the programmes for those events, lists of attendees, or any documents NGOs might have prepared and distributed to attendees.

**As regards point 1 of your request,** I regret to inform you that such a list has never been prepared by my services and does not exist.

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.

**As regards points 2 and 3 of your request,** after search in the historical archives of the Commission for documents of Commissioner Avramopoulos who was in charge of Migration and Home affairs during the period between 20 June 2016 to 25 July 2017, and concerning the crisis in Libya and its neighbourhood (including its migration, humanitarian and Mediterranean search & rescue aspects) held by the Migration and Home Affairs with NGOs, we identified the following documents:

Document 1: Exchange of e-mails concerning Commissioner Avramopoulos' participation at Humanity House. Ares (2017)1121985

Document 2: Exchange of e-mails concerning a meeting with Commissioner Avramopoulos with UNICEF Ares (2017)812996

I bring your attention to the fact that the meeting with UNICEF (see document 2) did not take place.

With regard to the documents 1 and 2 listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data: the names/initials and contact information of Commission staff members not pertaining to the senior management.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Documents 1 and 2 are attached in annex to the present letter. You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

You informed the EEAS via e-mail that in 2016 and 2017, the EEAS Libya Team conducted some consultation meetings with NGOs working on the migration crisis and search and rescue mission in the Mediterranean. I inform you that my services did not receive the EEAS minutes of these meetings.

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 (EC) No 1049/2001, you are entitled 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 Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

(*e-signed*)  
Monique PARIAT