



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME/MP

By registered letter with acknowledgment of receipt

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Subject: Your application for access to documents – GESTDEM 2020/2621

Dear Mr Teunissen,

We refer to your email of 2 May 2020 in which you make a request for access to documents, registered on 8 May 2020 under the above-mentioned reference number.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application – “a list that mentions all the research funded under the Horizon 2020 programme that deals with migration, refugees, and borders (security)”.

Dynamic information on projects is contained in the Common Research Data Warehouse (CORDA), an internal database maintained by DG RTD. I refer you to the publicly available version of this database ‘Community Research and Development Information Service’ (CORDIS)¹, which is the European Commission’s primary source of results from projects funded by the EU's framework programmes for research and innovation, including Horizon 2020. The CORDIS database provides access to project information held by the European Commission such as project factsheets, participants, reports, deliverables and links to open-access publications.

In this context, I would like to point out that the question regarding the possible status of information stored in databases as a document within the meaning of Regulation (EC) No 1049/2001 has already been subject to an assessment by the General Court, which in its ruling in Case T-214/13 established that ‘in the event of an application for access designed to have the Commission carry out a search of one or more of its databases using

¹ <https://cordis.europa.eu/en>

search criteria specified by the applicant, the Commission is obliged, subject to the possible application of Article 4 of Regulation (EC) No 1049/2001, to accede to that request, if the requisite search can be carried out using the search tools which it has available for the database in question'².

With this judgement, the General Court confirmed the previous judgment in the Dufour case, where the Court stated that 'anything that can be extracted from a database by means of a normal or routine search may be the subject of an application for access'³.

Furthermore, I would like to bring to your attention the most recent judgement in Case C-491/15P, where the Court of Justice took the position that the routine character of an operation which determines whether information extracted from a database is a document, is determined by whether the operation has been made available to final users for general use⁴.

Please note that Horizon 2020 projects generally touching upon topics of 'migration, refugees and borders (security)' may relate to a wide range of calls under different programme parts⁵ and addressing different focus areas.⁶ Therefore aggregating results to create such a customised list requires non-routine searches using different filters and further key words to narrow down further the search and match your area of interest.⁷

The data range concerned can therefore not be extracted from the relevant databases by means of a routine search operation using the search tools available.

For these reasons, the information requested is not included in any existing document.

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.

² Judgment of the General Court of 2 July 2015, *Typke v European Commission*, T-214/13, EU:T:2015:448, paragraph 56 (hereafter referred to as the '*Typke v European Commission* judgment').

³ Judgment of the General Court of 22 October 2011, *Dufour v European Central Bank*, T-436/09, EU:T:2011:634, paragraph 153.

⁴ Judgment of the Court of Justice of 11 January 2017, *Typke v European Commission*, C-491/15P, EU:C:2017:5, paragraph 36.

⁵ The Horizon 2020 Work Programme (WP) can be found on the [Funding and Tenders Portal](#) under 'Reference documents'.

⁶ Calls of particular interest could be encompassed in *inter alia* chapter '14. Secure Societies – protecting freedom and security of Europe and its citizens' and chapter 13. 'Europe in a changing world – inclusive, innovative and reflective societies' of the Horizon 2020 Work Programme. A useful tool to search current and past calls under H2020 is the database on [the Funding and Tenders Portal](#).

⁷ Useful filters to narrow down the search in CORDIS could be: selecting the Horizon 2020 funding programme, selecting the domain of application (e.g. security and society), and using the search bar to insert key words (e.g. 'migration', 'refugees', 'borders', 'security').

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 Brussels

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

Yours sincerely,

Monique PARIAT

[e-Signed]