



EUROPEAN COMMISSION

Brussels, 17.4.2019
C(2019) 3168 final

[REDACTED]
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[REDACTED]
11011 Berlin
Germany

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2018/5124**

Dear [REDACTED],

I refer to your letter of 23 November 2018, registered on 26 November 2018, 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 documents² (hereafter ‘Regulation (EC) No 1049/2001’).

I apologise for the delay in the handling of your application.

1. SCOPE OF YOUR REQUEST

In your initial application of 30 September 2018, addressed to the Secretariat-General of the European Commission, you requested access to ‘all relevant information pertaining to the terms and concepts of “preparedness” and “contingency” [from the European Commission’s Brexit Preparedness Group]’.

The European Commission deduced from the wording of your request that it concerns documents that define the terms and concepts of ‘preparedness’ and ‘contingency’ held from 1 December 2017 (date of the creation of the Brexit Preparedness Group) until 30 September 2018 (date of your initial application).

¹ Official Journal L 345 of 29.12.2001, p. 94.

² Official Journal L 145 of 31.5.2001, p. 43.

In its initial reply, dated 14 November 2018, Directorate E in the Secretariat-General identified the following documents, which are publicly available, as falling within that scope:

- video of Mr Pascal Leardini’s intervention on behalf of the Brexit Preparedness Group before the Committee on Constitutional Affairs (‘AFCO’) of the European Parliament on 2 July 2018 (hereafter ‘document 1’);
- Communication from the European Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019’, 27 August 2018, COM(2018) 556 final/2 (corrigendum)³ (hereafter ‘document 2’).

Please note that there was a clerical error in one of the links provided to you in the initial reply. You may find below the correct link to the video of Mr Pascal Leardini’s intervention on behalf of the Brexit Preparedness Group before the Committee on Constitutional Affairs of the European Parliament on 2 July 2018:

<http://www.europarl.europa.eu/ep-live/en/committees/video?event=20180702-1800-COMMITTEE-AFCO>.

In your confirmatory application, you only question whether the European Commission has conducted a full search for documents falling under your request. Therefore, the scope of this confirmatory review will be limited to this point.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Against this background, the European Commission has carried out a renewed search for documents that would fall within the scope of your application as described above.

Following this renewed search, the European Commission has identified two additional documents that would fall under the scope of your request, other than the ones already identified at the initial level:

³ https://ec.europa.eu/info/publications/preparing-withdrawal-united-kingdom-european-union-30-march-2019_en.

- Communication from the European Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019’, 19 July 2018, COM(2018) 556 final (hereafter ‘document 3’);
- draft Communication from the European Commission ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019’, which was sent to the relevant European Commission services on 11 July 2018 for inter-service consultation, COM(2018)556/1 (hereafter ‘document 4’).

I can inform you that full access is granted to documents 3 and 4. You may find below a link to document 3:

<https://ec.europa.eu/info/sites/info/files/communication-preparing-withdrawal-brex-it-preparedness.pdf>.

As regards document 4, please find enclosed a copy of the document in question.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the document. Please note that the European Commission does not assume liability stemming from the reuse.

In the wider context of your request, we would like to draw your attention to the fact that detailed information on the work of the Brexit Preparedness Group is available to citizens and stakeholders on the European Commission’s website.⁴

Furthermore, the following documents and initiatives may be of interest to you:

- Communication from the European Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: a Contingency Action Plan’, 13 November 2018, COM(2018) 880 final;⁵

⁴ https://ec.europa.eu/info/brexit/brexit-preparedness_en.

⁵ https://ec.europa.eu/info/publications/communication-preparing-withdrawal-united-kingdom-european-union-30-march-2019-contingency-action-plan-13-11-2018_en.

- Communication from the European Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank ‘Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: Implementing the Commission’s Contingency Action Plan’, 19 December 2018, COM(2018) 890 final;⁶
- Council Working Party (Article 50) Brexit preparedness seminars;⁷
- Brexit preparedness notices (regularly updated);⁸
- legislative initiatives and other legal acts on Brexit preparedness and contingency.⁹

3. MEANS OF REDRESS

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

Enclosures: (1)

⁶ https://ec.europa.eu/info/publications/communication-19-december-2018-preparing-withdrawal-united-kingdom-european-union-30-march-2019-implementing-commissions-contingency-action-plan_en.

⁷ https://ec.europa.eu/info/council-working-party-article-50-preparedness-seminars_en.

⁸ https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en.

⁹ https://ec.europa.eu/info/brexit/brexit-preparedness/legislative-initiatives-and-other-legal-acts_en