



EUROPEAN COMMISSION

Brussels, 16.5.2019
C(2019) 3834 final

[REDACTED]
Tullow Street
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Ireland

**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 – GESTDEM 2019/1269

Dear [REDACTED],

I am writing in reference to your letter of 28 March 2019, registered on 4 April 2019, by which you lodge 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’).

Through your initial application of 19 February 2019, you requested access to:

- All documents relating to your complaints³ (both external and internal) *except for*: (i) copies of any correspondence from yourself to the Commission relating to your complaint and (ii) copies of letters from the Commission to you dated 5 October 2017, 23 April 2017 and 9 July 2018.

By letter of 19 March 2019, the Directorate-General for Justice and Consumers informed you that it was not able to identify any documents as falling within the scope of your request.

In your confirmatory application you question the absence of any documents.

Against this background, the European Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the

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

² Official Journal L 145 of 31.05.2001, p. 43.

³ The subject matter of your complaints was the violation of oath in the Irish legislation.

Commission does not hold any documents that would correspond to the description given in your application.

Indeed, 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.

I understand that the Directorate-General Justice and Consumers informed you on 9 July 2018 that all issues that are relevant to your complaint had been answered and it was found that the European Commission did not have legal competence to deal with the matter you raised.

Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

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*