



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Acting Director-General

Brussels
JUST.04/PB/

Mr Arun Dohle
Against Child Trafficking
c/o Easy Start Office
Kraijenhoffstraat 137A
Amsterdam
Netherlands 1018 RG

e-mail: ask+request-8521-33279732@asktheeu.org

Subject: Your application for access to documents - GESTDEM 2020/5262

Dear Mr Dohle,

We refer to your email of 4 September 2020 in which you make a request for access to documents, registered under the above-mentioned reference number. We apologise for the delay in getting back to you.

You request access to *“All documents and correspondence related to the grant which was approved in December 2013 to help fund the development of iSupport, by pledging an amount up to € 717,000 to the Hague Conference (HCCH).”*

Your application thus concerns the following document/documents:

	Registration number	Title	Date
DOC 1	Ares(2013)3064675	JUST/2013/JCIV/AG-Letter Budget Review	17-09-2013
DOC 2	Ares(2013)3218081	JUST/2013/JCIV/AG Evaluation report	10-10-2013
DOC 3	Ares(2014)816960	Just/2013/JCIV/AG/4627 - Sending of 2 GA	20-03-2014
DOC 4	Ares(2014)1151682	Application for access to minutes of the Evaluation Committee for the call for proposals JUST/2013/JCIV/AG	11-04-2014
DOC 5	Ares(2014)1505766	JUST/2013/JCIV/AG/4627- iSupport - questions intellectual and industrial property rights	24-04-2014
DOC 6	Ares(2014)2522956	Just/2013/JCIV/AG/4627 - 1 GA received signed + annexes	17-07-2014
DOC 7	Ares(2014)3153367	JUST/2013/JCIV/AG/4627 - iSupport (case management and communication system for the recovery abroad of maintenance"- Amendment n°1-change of the legal address	25-09-2014

DOC 8	Ares(2014)3867449	JUST/2013/JCIV/AG/4627-I support- re-subcontracting rules smart guide line 48 of the budget	20-11-2014
DOC 9	Ares(2015)618898	RE: Urgent: Grant Agreement JUST/2013/JCIV/AG/4627 – iSupport – applicable rules for public procurement	13-02-2015
DOC 10	Ares(2015)1507938	JUST/2013/JCIV/AG/4627 – iSupport – Change of the bank account and consultant	24-03-2015
DOC 11	Ares(2015)2402314	JUST/2013/JCIV/AG/4627 – Signed financial identification	24-03-2015
DOC 12	Ares(2015)1561795	RE: Grant Agreement JUST/2013/JCIV/AG/4627 – iSupport - eligible cost	13-04-2015
DOC 13	Ares(2015)1769612	RE: Grant Agreement JUST/2013/JCIV/AG/4627 – iSupport – Request for budget modification -New budget AnnexIII request	27-04-2015
DOC 14	Ares(2015)2424183	RE: Procurement with a non-EU company 4627	10-06-2015
DOC 15	Ares(2015)3164789	JUST/2013/JCIV/AG/4627 - Amendment nr 2 signed on 20/07	20-07-2015
DOC 16	Ares(2015)3755131	JUST/2013/JCIV/AG/4627 -Progress Report signed	03-09-2015
DOC 17	Ares(2015)5822486	JUST/2013/JCIV/AG/4627 - Request for a modification of budget involving transfer between Headings in excess of the threshold foreseen in the Grant Agreement - Key staff change (salary raise).	10-12-2015
DOC 18	Ares(2016)1419832	JUST/2013/JCIV/AG/4627 - AMENDMENT N° 3- HCCH Hague Conference- Budget amendment Annex III - returned signed	14-03-2016
DOC 19	Ares(2016)5481410	RE: iSupport - Grant Agreement JUST/2013/JCIV/AG/4627-Project duration extension and Budget amendment	21-09-2016
DOC 20	Ares(2016)6752467	JUST/2013/JCIV/AG/4627 - final report and cost claim signed	29-11-2016
DOC 21	Ares(2017)412003	JUST/2013/JCIV/AG/4627- Supporting documents	20-01-2017
DOC 22	Ares(2017)1354316	JUST/2013/JCIV/AG/4627-"Isupport"-Conf de la Haye droit intern privé"-Final report - Final payment procedure-B4/04	15-03-2017
DOC 23	Ares(2017)695001	JUST/2013/JCIV/AG/4627 - additional explanation requested	08-02-2017
DOC 24	Ares(2016)861750	JUST/2013/JCIV/AG/4627 - AMENDMENT N° 3- HCCH Hague Conference- Budget amendment Annex III	18-02-2016

Since 13 documents originate from a third party (documents with numbers 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20), the originator of the documents was consulted.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, and taking into account the opinion of the third party I regret to inform you that we cannot grant you access to all the documents.

We cannot grant you access to the following documents as disclosure is prevented by the exception to the right of access laid down in Article 4 of this Regulation:

DOC 10	Ares(2015)1507938	JUST/2013/JCIV/AG/4627 – iSupport – Change of the bank account and consultant	24-03-2015
DOC 11	Ares(2015)2402314	JUST/2013/JCIV/AG/4627 – Signed financial identification	24-03-2015
DOC 23	Ares(2017)695001	JUST/2013/JCIV/AG/4627 - additional explanation requested	08-02-2017

Disclosure of these documents would undermine the commercial interests of the company that submitted them, as putting this information in the public domain would affect its competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure but have not been able to identify such an interest.

Regarding all the other documents, 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;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person in connection with information related to the working position;
- handwritten signatures/abbreviated signatures of natural persons.

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 any 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.

Moreover, in documents 2 and 4, the assessment of the financial capacity of four applicants is not disclosed. Indeed, their financial capacity was assessed as weak, and precautionary measures were recommended, without excluding these applicants. Putting this information in the public domain would affect the applicants' reputation on the

market. We feel there is no overriding public interest justifying the disclosure of this information. We have also examined the evaluation report in order to determine whether revealing the scores and comments of the evaluators' comments would harm the commercial interests of the applicants. Taking into account the nature of the comments included in this report, as well as the fact that the names of the applicants selected and rejected are already public in the relevant award decision, we have decided that the exception on the basis of the "commercial interests, including intellectual property" does not apply in this case.

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.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

According to standard operational procedures, the reply is usually also sent by registered mail. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemic, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail by replying to JUST-04@ec.europa.eu.

Yours sincerely,

(e-signed)
Salla SAASTAMOINEN

Enclosure: 21 documents