



EUROPEAN COMMISSION

Brussels, 12.7.2019
C(2019) 5415 final

[REDACTED]
03503 Benidorm
Spain

**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 2019/319**

Dear [REDACTED]

I am writing in reference to your email of 14 June 2019, registered on the same day, 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 13 March 2019, you requested ‘a copy of the Tender Documents published in the Official Journal, relating to the Tender Process for the first phase of implementation of the Schengen Information System in the republic of Ireland’.

By letter of 10 May 2019, the Directorate-General for Migration and Home Affairs 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 Commission does not hold any documents that would correspond to the description given in your application.

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

² Official Journal L145 of 31.05.2001, p. 43.

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.

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.

As your request concerns the implementation of the Schengen Information System in Ireland, you can, of course, address your request to the Irish Authorities.

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



CERTIFIED COPY
For the Secretary-General,



EUROPEAN COMMISSION