



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 26.03.2014
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Ms Joyce Naar

By email only:
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00cb99ed@asktheeu.org

**Subject: Confirmatory application for access to Commission documents
reference - GestDem 2013/6445**

Dear Ms Naar,

I refer to your e-mail of 18 February 2014, registered on 19 February 2014, in which you lodge a confirmatory application for access to documents in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereinafter Regulation 1049/2001). I also refer to our message of 12 March 2014, extending the time limit for responding to your application, pursuant to Article 8(2) of Regulation 1049/2001.

In your initial request of 18 December 2013, registered on the same day and addressed to the Directorate-General for Trade (hereinafter DG TRADE), you requested access to the following:

"CARIFORUM-EU EPA study ' Monitoring the implementation and results of the CARIFORUM EU EPA';: who was awarded the contract and what is the progress?"

In its initial reply of 21 January 2014 DG TRADE provided you with a timeline and informed you of the progress of the study, and indicated that "the document requested by you still does not exist." In addition, DG TRADE informed you that "once the study is finalised and published" a copy will be sent to you.

¹ OJ L 145, 31.05.2001, p. 43.

On 22 January 2014 and 31 January 2014 you sent follow-up questions to DG TRADE. These messages included information requests and not 'access to documents' requests. Consequently, they were not dealt with in the framework of the DG TRADE's reply to your initial application.

In your confirmatory application you question DG TRADE's statement that no documents exist as falling under the scope of your request.

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Secretariat-General conducts an independent review of the reply given by the Directorate-General concerned at the initial stage.

As part of this review, the Commission has carried out a thorough search in order to verify that no document indeed exists as falling under the scope of your application. Following this renewed search, I confirm that no existing documents have been identified as falling under the scope of your request. Indeed, the Commission does not have the final study in its possession; nor does it hold any (preliminary) drafts of the future study.

I would like to draw your attention in this respect to Article 3 of Regulation 1049/2001, which provides that that Regulation shall only apply to existing documents in the possession of the institution.

As for the two messages you sent on 22 January and 31 January 2014, I would like to inform you that a confirmatory request cannot be made since these are information requests and not access to documents requests. Indeed, pursuant to Article 3 of Regulation 1049/2001, that regulation only applies to documents and not to information as such.

Therefore, I regret to inform you that your confirmatory application is devoid of purpose. Indeed, a confirmatory application is a request to review a position by which access to one or more documents has been fully or partially denied. This is not the case with regard to your request.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day