

## EUROPEAN COMMISSION

LEGAL SERVICE  
The Director General

Brussels, 22. 12. 2014

Mr Guido Strack  
Allerseelenstrasse 1n  
51105 Köln,  
Germany  
ask+request-1572-  
74d05443@asktheeu.org

### BY E-MAIL AND REGISTERED MAIL WITH ACKNOWLEDGMENT OF RECEIPT

**Subject: Your application for access to documents – Ref GestDem No 2014/5291**

Dear Mr Strack,

I refer to your request introduced on 2 November 2014 and registered on 10 November 2014 under the above mentioned reference number, in which you make a request for access, under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> (hereafter "Regulation 1049/2001"), to:

- "all documents on existing databases at the Legal Service, their structure, functionality and the way they operate as well as all annexes and technical descriptions on these databases as well as
- all documents relating to the invitation to tender, technical specifications and other documents including all annexes and technical descriptions drawn up and planned outside on these databases".

By-email of 28 November 2014, the Legal Service informed you that eight databases had been identified as falling within the scope of your request and asked you to indicate for which of these databases you wanted to receive the requested documents. By email of 29 November 2014, you have informed the Legal Service that you were interested in having access to the documents relating to the eight identified databases and you have communicated the priority order in which you wanted to receive the requested information, that is to say:

---

<sup>1</sup> Official Journal L145, 31.05.2001, page 43

1. BC (Base contentieux): Datenbank über Rechtssachen vor den Gerichten der Europäischen Union (EuGH usw.),
2. WTO-LD (suivi du contentieux devant le WTO): Datenbank über Verfahren bei der WHO,
3. SOLON et SOLON-KM (gestion documentaire et knowledge management) : Datenbank über Dokumente und knowledge management,
4. FINSJ (Gestion financière et contractuelle du SJ): Datenbank über die Finanzverwaltung und Vertragsverwaltung des Juristischen Dienstes.
5. NEMOS (suivi des demandes de saisine dans le contexte des manquements d'Etat): Datenbank über Klageerhebungen im Rahmen von Vertragsverletzungen durch die Mitgliedstaaten,
6. JurRev (suivi des demandes de révision de l'équipe Qualité de la Législation): Datenbank der Revisionen, die das Team "Qualität der Gesetzgebung" vornimmt,
7. NAT (suivi du contentieux national): Datenbank über nationale Rechtssachen,
8. RECO (suivi des recouvrements de créance): Datenbank über die Einziehung von Forderungen,

After researches in the Legal Service's files, the following documents have been identified as matching your request:

1. Ares(2014)3815933. This document can be considered as the "Data Dictionary" for all the databases currently running at the Legal Service and, therefore, is a common document to all the identified databases.

#### I. Base Contentieux

2. Ares(2011)1274224 : Complete test case
3. Ares(2013)2536755 : supplementary specifications
4. Ares(2013)2948725 : use case specification "collecte des résultats"

#### II. WTO

5. D(2004)90044: System requirements
6. JUR(2009)90043: Test case general

#### III. SOLON & SOLON KM

7. JUR(2008)90014: Solon update – supplementary specification
8. JUR(2009)90061: rules governing access rights to documents in Solon
9. JUR(2010)90024: supplementary specification – document scanning
10. Ares(2010)880346: HAN@SJ WP1 – Use Case Specification
11. Ares(2011)1187043: Search service in Chroniques de jurisprudence – Specifications
12. Ares(2012)642104: general test case
13. Ares(2013)215967: PDFMerge – general test case
14. Ares(2013)363073: Splitting of AJ document – specification
15. Ares(2013)3118220: Spécification Gestion et utilisation des marqueurs "Thèmes juridiques"

#### IV. FinSJ

16. JUR(2006)900100: Suivi des dépenses effectuées dans le cadre des affaires du SJ  
– Description des fonctions
17. Ares(2014)1934885: Test case

#### V. Nemos

18. Ares(2014)4190490: Test case

#### VI. JurRev

19. Ares(2013)3167446: general test case

#### VII. NAT

20. Ares(2011)824451: Note de dossier

#### VIII. RECO

21. Ares(2011)824451: Note de dossier
22. Ares(2011)1031258: General test case
23. Ares(2011)1088949: mise à disposition de la version 1.6.5

I would like to draw your attention to the fact that the identified documents are those related to the currently running databases.

Concerning the part of your request related to the "access to all documents relating to the invitation to tender, technical specifications and other documents including all annexes and technical descriptions drawn up and planned outside on these databases", I have to inform you that no document has been identified due to the fact that all the above-mentioned databases have been created and developed internally by the Legal Service.

As you were informed by the e-mail of 28 November 2014, your request implied an important work both for the research and identification of the concerned documents and, subsequently, for their concrete assessment in view of taking the decision of granting/refusing access to them under Regulation 1049/20041. In the light of these considerations, the Legal Service is able to deal, within the extended deadline foreseen at article 7(3) of Regulation 1049/2001 which expires on 22<sup>nd</sup> December 2014, with the part of your request relating to document under number 1 and to databases I (Base Contentieux) and II (WTO) (documents under numbers 2 to 6).

As regards the rest of your request, documents under numbers 7 to 23 corresponding to databases III to VIII, the Legal Service proposes to you, in accordance with article 6(3) of Regulation 1049/2001, dealing with it as follows: documents under numbers 7 to 15 by the end of January 2015 and documents under numbers 16 to 23 by the end of February 2015.

Therefore, the present reply pertains to the part of your request concerning documents under numbers 1 to 6 ("Base contentieux" and "WTO" databases).

After a concrete assessment of documents under numbers 1 to 6, I am pleased to inform you that full access can be granted to document under number 1 ("Data Dictionary"). Documents under numbers 2 to 6 can also be fully disclosed with the exception of the names of the staff members not having the function of senior management staff at the Commission, since this information is covered by the exception provided for in Article 4(1)(b) ("*protection of personal data*")<sup>2</sup> of Regulation 1049/2001.

Disclosure of this personal data would undermine the legitimate privacy rights of the concerned persons and, therefore, would be contrary to Article 4(1)(b) of Regulation 1049/2001. Indeed, according to the EU legislation regarding the protection of personal data, processing of personal data can only be carried out by the Commission if such processing is necessary and proportionate for the established purposes<sup>3</sup>. In the present case, I see no elements capable of showing the necessity for the refused data to be disclosed.

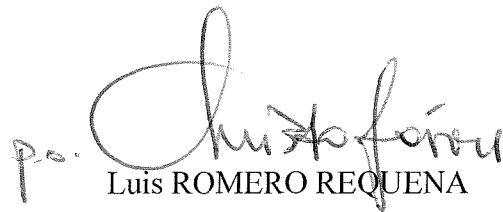
Accordingly, you will find enclosed a copy of document under number 1 ("the Data Dictionary") as well as an expunged version of documents under numbers 2 to 6.

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary General at the address below.

The Secretary General will inform you of the result of this review within 15 working days from the date of registration of your request. You will either be given access or your request will be rejected in which case you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary General  
European Commission  
B-1049 BRUSSELS  
[Sg-Acc-Doc@ec.europa.eu](mailto:Sg-Acc-Doc@ec.europa.eu)

  
Luis ROMERO REQUENA

Enclosures: 6

---

<sup>2</sup> *"The institutions shall refuse access to a document where disclosure would undermine the protection of: [...] (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".*

<sup>3</sup> Judgment of the Court of Justice of 29 June 2010, Case C-28/08P, European Commission v The Bavarian Lager Co. Ltd (paragraphs 77-78), European Court reports 2010 Page I-6055.