



EUROPEAN COMMISSION
Neighbourhood and Enlargement Negotiations

The Director-General

Brussels, 25.11.2015

25.11.2015

Mr M. Donmez
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Turkey

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By registered letter with acknowledgment of receipt

Subject: Your application for access to documents – Ref GestDem No 2015-5343

Dear Mr Donmez,

I refer to your message in which you make a request for access to documents under Regulation (EC) No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents, registered on 13 October 2015 under the above mentioned reference number. Through a mail of 4 November 2015, you were informed, in accordance with Article 7 (3) of Regulation No 1049/2001, about the extension of the deadline for a response by 25 November 2015.

Your application concerns screening reports for Turkey prepared in the period 2006-2008.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, you can find in annex I the link to the relevant Commission website for all the screening reports that have been already fully disclosed.

As regards the screening reports for chapters 2, 13, 14, 15, 24, 29, 30, 31 and 33, I regret to inform you that access to them cannot be granted, as disclosure is prevented by the exception to the right of access related to the protection of the public interest as regards the Commission's decision-making process laid down in Article 4 (3) of this Regulation. These screening reports have been tabled in the Council of the European Union but discussions have not been conclusive so far. As a result these screening reports are still under negotiations in the Council of the European Union. Please find in annex II the list of the screening reports to which access is refused.

In your request, you have not established arguments that would show the existence of an overriding public interest in disclosure of these documents at this point in time. Neither has the Commission identified such an overriding public interest. Recital (11) of the Regulation states that the institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out

¹ OJ L145, 31.05.2001, page 43.

their tasks. According to recital (6) wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, which is not the case for the document you requested.

Granting partial access to the requested document was examined and deemed not possible for the reasons stated above. Please note that I cannot provide you with more detailed information on these documents without disclosing its substance which is protected by the exception laid down in Article 4 (3) of Regulation 1049/2001.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission review this position.

Such a confirmatory application should be addressed within 15 working days of receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and strokes, characteristic of a cursive or semi-cursive style.

Christian Danielsson

Enclosures: 2

Annex I List of published documents

Chapter 1 – Free Movement of Goods

(http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_01_tr_internet_en.pdf) (18.6.07)

Chapter 3 – Right of establishment and freedom to provide services

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_03_tr_internet_en.pdf (17.4.07)

Chapter 4 – Free movement of capital

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_04_tr_internet_en.pdf (28.6.06)

Chapter 5 – Public procurement

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_05_tr_internet_en.pdf (5.4.06)

Chapter 6 – Company Law

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_06_tr_internet_en.pdf (10.5.07)

Chapter 7 – Intellectual property law

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_07_tr_internet_en.pdf (19.10.06)

Chapter 8 – Competition Policy

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_08_tr_internet_en.pdf (3.5.06)

Chapter 9 – Financial services

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_09_tr_internet_en.pdf (17.4.07)

Chapter 10 – Information Society and Media

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report-10-tr_internet_en.pdf (29.6.07)

Chapter 11 – Agriculture and Rural Development

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_11_tr_internet_en.pdf (7.9.06)

Chapter 12 – Food safety, veterinary and phytosanitary policy

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_12_tr_internet_en.pdf (8.2.07)

Chapter 16 – Taxation

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_16_tr_internet_en.pdf (24.1.07)

Chapter 17 – Economic and Monetary Policy

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_17_tr_internet_en.pdf (4.1.06)

Chapter 18 – Statistics

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_18_tr_internet_en.pdf (4.1.06)

Chapter 20– Enterprise and industrial policy

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_20_tr_internet_en.pdf (18.9.06)

Chapter 21 – Trans-European networks

http://ec.europa.eu/enlargement/pdf/turkey/screening_reports/screening_report_21_tr_internet_en.pdf (20.6.07)

(14.5.07)

Annex II List of refused documents

Chapter 2 – Freedom of movement for workers	MD 15/08 (31.01.08)
Chapter 14 – Transport policy	MD 283/07 (24.9.07)
Chapter 15 – Energy	MD 108/07 (22.3.07)
Chapter 13 – Fisheries	MD 53/08 (5.03.08)
Chapter 24 – Justice, Freedom and Security	MD 94/06 (7.6.06)
Chapter 29 – Customs union	MD 101/07 (9.3.07)
Chapter 30 – External relations	MD 17/08 (31.01.08)
Chapter 31 – Foreign, security and defence policy	MD 243/13 (16.12.13)
Chapter 33 – Financial and budgetary provisions	MD 1/08 (10.01.08)