



EUROPEAN COMMISSION
OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS

PMO/4 - Pensions
The Head of Unit

Brussels,
PMO4/GS

*By registered letter with acknowledgment
of receipt*

Mr Lee Rotherham
313, Norman Shaw North,
House of Commons,
Westminster SW1A 0AA

Advance copy by email

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Subject: Freedom of information request – Pensions by country of residence

I refer to your e-mail dated 29 April 2016 in which you request access, under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, to documents containing information on pensions by country of residence. More specifically, you seek to obtain a breakdown of the country of residence of recipients of European Commission pensions, by country/number, and would like the proportion receiving that pension denominated in Euros to be indicated.

According to the case law (see Judgment of the Court of first Instance of 25 April 2007 in case T-264/04, WWF European Policy Programme v Council) the concept of a document must be distinguished from that of information. The public's right of access to the documents of the institutions covers only documents and not information in the wider meaning of the word and does not imply a duty on the part of the institutions to reply to any request for information from an individual (see, by analogy, the order in Case T-106/99 Meyer v Commission [1999]).

Please be informed that the information requested is contained in databases created for other uses. In your request, you did not apply, as such, for access to the whole of that database or to part of the raw data contained within it, but seek to obtain, in essence, a set of information relating to a part of a database.

As the Commission had to create a document on the basis of your above request, we consider that the information you requested may not be considered as a document within the meaning of Regulation 1049/2001 and thus fall outside the scope of the Regulation.

However, in the interest of transparency and under the Code of Good Administrative Behaviour you are now granted access to this information. It is presented in the form of a table here enclosed. For purposes of clarity and ease of reference, note that the data comes from a database which contains the countries of expedition of the payslips.

I consider that this information addresses your request.

If you consider that the information transmitted to you by the Commission does not answer to your request, you are entitled to lodge a complaint with the European Ombudsman in accordance with Article 263 or 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

Giuseppe Scognamiglio

Cc: Mrs A. Vandenhende, M. J. Michiels (PMO)

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