



EUROPEAN COMMISSION
OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS

The Director

Brussels, 11.05.2016
PMO/ML/ht

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: Your application for access to documents – Ref GestDem N° 2016/2271

I refer to your e-mail dated 25 April 2016 addressed to the Internal Audit Service Access Documents functional mailbox in which you request a copy of documents containing information on the European Commission system of credit cards for staff on official duties, as well as on the guidelines pertaining to their use, and the annual report reviewing their use.

Your request was forwarded to the Office for Administration and payment of individual entitlements (PMO) which handles among others requests for reimbursement of mission expenses by Commission staff members.

Regarding the information requested, and having examined the documents requested under the provisions of Regulation (EC) No 45/2001¹ regarding public access to documents, I would like to distinguish the two parts of your request. Before this, allow me to clarify some points.

Firstly, please be informed that the Commission itself does not operate a system of credit cards for staff on official duties. However, following a call for tender, launched in conformity with the Financial Regulation's provisions on public procurement, the Commission awarded a contract to a credit card company which provides individual credit cards for members of staff from the Commission. Secondly, the card is an individual credit card and therefore under the sole responsibility of the staff member as a private user. It is provided directly by the credit card company to staff members and at no cost to the budget of the Union.

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 008, 12.01.2001, p. 1 - 22

Regarding the first part of your request, we identified the General implementing provisions adopting the Guide to missions for officials and other servants of the European Commission (Commission Decision C(2008)6215) as falling under the scope of the information requested, and in particular its article 2.1.

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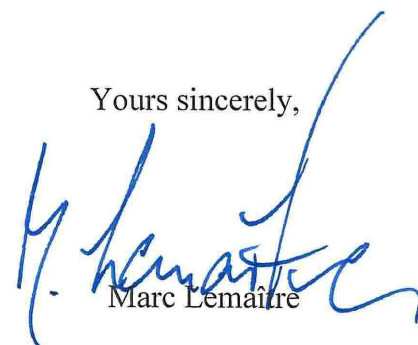
Regarding the second part of your request, namely an annual report reviewing the use of the credit cards, I regret to inform you that no document has been identified. According to the case-law, the right of access to documents held by the institutions within the meaning of Article 2(3) of Regulation No 1049/2001 applies only to existing documents in the possession of the institution concerned (Strack v Commission, EU:C:2014:2250, point 38).

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

Such a confirmatory application should be addressed within 15 working days upon 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 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Marc Lemaître