



Brussels,
DG REGIO C2/EP/nj D(2016) 4501345

Mr Neculai-Cristian Surubaru
16 Grindlay Street
Edinburgh, United Kingdom
EH39AS

By registered letter with acknowledgment of receipt – advance copy by email to:
N.Surubaru@lboro.ac.uk
and *ask+request-3054-0f759f46@asktheeu.org*

Subject: Your application for access to documents – Ref GestDem No 2016/3455 - Freedom of Information request - Bulgaria audit reports EU funds

Dear Mr. Surubaru,

We refer to your e-mail dated 17/06/2016 in which you make a request for access to documents.

Your initial application concerned the following documents:

- '1) General and specific audit reports of ERDF and CF Operational Programmes implemented in Bulgaria during 2007-2013, particularly those leading to the interruption or suspension of funding.*
- 2) Specific audit reports on the Regional Development Programme.*
- 3) Specific audit reports on the problems surrounding the Operational Programme Environment.*
- 4) Correspondence between European and national authorities on the above issues, for the 2007-2013 implementation period.'*

On 19/07/2016, we contacted you by phone to clarify your request. By email of 19/07/2016, we indicated that, as discussed and agreed by phone, we would reply to your request by providing you with the final reports/final position letters for the closed audit missions performed in Bulgaria for the 2007-2013 programming period. You replied by email of 23/07/2016, confirming this agreement.

Please find enclosed the final audit reports/final position letters for the 13 audit missions carried out in Bulgaria for the 2007-2013 periods which have been closed to-date.

These documents contain personal data. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

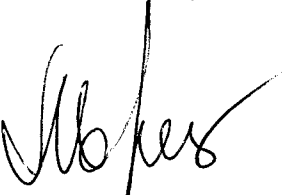
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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

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

Yours faithfully,

for the Director General absent,
Normunds Popens
Deputy Director General



Walter Deffaa

Copy: Mr Rafael Lopez Sanchez, DG Regional and Urban Policy, Unit C.1
Ms Frederique Neve, DG Regional and Urban Policy, Unit C.1
Mr Charlie GRANT, DG Regional and Urban Policy, Unit B.4
Mr Wladyslaw PISKORZ, DG Regional and Urban Policy, Unit E.3
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