



EUROPEAN COMMISSION  
Neighbourhood and Enlargement Negotiations

R - RESOURCES  
R.2 - LEGAL ISSUES

Brussels, **12 JAN. 2018**

**By registered letter:**

Ms. Luisa Izuzquiza  
Calle Cava San Miguel 8, 4ºcentro  
28005 Madrid  
Spain

**Advance copy by email:**

[ask+request-4963-a8d26227@asktheeu.org](mailto:ask+request-4963-a8d26227@asktheeu.org)

**Subject: Your application for access to documents Ref. GestDem No 2018/0219**

Dear Ms. Izuzquiza,

I refer to your email dated 2 January 2018, in which you make a request for:

*"All text messages (i.e., SMS messages) and other mobile-phone-based text communications (e.g., WhatsApp, Telegram, iMessage, Facebook Chat, SnapChat, Slack, Facebook and Twitter "direct messages," Signal Messenger, Wire, etc.) sent by – or on behalf of – EU Commissioner Johannes Hahn addressed or "CC'd" to his Head of Cabinet Michael Karnitschnig, from 1 September 2017 to 31 October 2017 inclusive, on work-specific devices operated by or otherwise under the control of Commissioner Hahn."*

Please note that SMS messages and other mobile-phone-based text communications sent out or received in the professional context which are short-lived communications cannot be considered as documents drawn up or received by the institution and in its possession, in the meaning of Article 3(a) of Regulation (EC) 1049/2001<sup>1</sup>. Therefore, your application for access to documents does not fall under the scope of Regulation (EC) 1049/2001.

For reasons of good order, I am informing you of the legal remedies available, in line with Article 7(2) of Regulation (EC) No 1049/2001. You are entitled to make a confirmatory application requesting the Commission to review this position. Such a

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<sup>1</sup> Official Journal L 145 of 31.5.2001, p. 43

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

  
Christos Komninos  
Head of Unit