



EUROPEAN COMMISSION

LEGAL SERVICE
The Director General

Brussels, 10th July 2018
sj.ddg.002(2018)4099732

Mr Nicholas Haagensen
European Legal Networks in Crisis
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Belgium

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BY E-MAIL AND REGISTERED MAIL WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Request for access to documents

Ref.: Your request of 22 May 2018 registered under reference GestDem 2018/2854

Dear Mr Haagensen,

I refer to your request for access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹. Your request concerns "*[a]ll employees that have worked in the Commission's legal service from January 2009 to April 2018*".

After examination of our files, I would like to inform you that the Legal Service has not identified any document corresponding to your request.

In this regard, a distinction must be made between an existing document to be generated and a new document to be created. The Court of Justice has confirmed in its judgment in case C-491/15P that "*the right of access to documents of the institutions applies only to existing documents in the possession of the institution concerned and that Regulation No 1049/2001 may not be relied upon to oblige an institution to create a document which does not exist*".²

The electronic databases of the Legal Service enable the extraction of information concerning its staff. However, the extraction of the data you request implies operations that are not comparable to a normal or routine search in the databases concerned and, thus, amounting to the creation of a new document³.

¹ OJ L 145, 31.05.2001, page 43.

² Judgment of the Court of Justice of 11 January 2017 in case C-491/15P, *Rainer Typke v Commission*, ECLI:EU:C:2017:5 paragraph 31 and judgment of the Court of Justice of 2 October 2014 in case C-127/13P *Strack v Commission*, ECLI:EU:C:2014:2250, paragraphs 38 and 46.

³ *Rainer Typke* judgment, paragraphs 36 and 46.

In light of the above, the Legal Service is unable to process your request regarding the staff working in the Commission's Legal Service from January 2009 to April 2018.

Please note, though, that the names and positions of the staff currently working for the Legal Service are public and can be found at the link below:

<http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=3379174>.

MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General 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

The Secretary General will inform you of the result of this review within 15 working days from the date of registration of your request. You will either be given access or your request will be rejected in which case you will be informed of how you can take further action.

Yours sincerely,



Luis ROMERO REQUENA