



EUROPEAN COMMISSION

Brussels, 11.10.2018
C(2018) 6807 final

Mr Peter Teffer
EU Observer
Rue Montoyer 18B
1000 Brussels

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

**Subject: Your confirmatory application for access to documents under Regulation
(EC) No 1049/2001 - GESTDEM 2018/4682**

Dear Mr Teffer,

I refer to your email of 13 September 2018, registered on the same day, in which you lodge a confirmatory application in accordance with Article 7(2) of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter ‘Regulation (EC) 1049/2001’).

1. SCOPE OF YOUR APPLICATION

In your initial application of 3 September 2018, addressed to the Secretariat-General of the European Commission and registered under reference number GESTDEM 2018/4682, you requested access to ‘all documents related to the annual Seminar of the College of the Juncker Commission, held on 30 and 31 August, including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, e-mails, and presentations’.

Through its initial reply dated 13 September 2018, the Secretariat-General of the European Commission informed you that it had identified one document as falling within the scope of your request, namely ‘Note to the Members of the Commission of 24 August 2018 concerning the College seminar of 30 and 31 August 2018 [SEC(2018)381]’.

The Secretariat-General of the European Commission granted wide partial access to this document, subject to the sole redaction of personal data pursuant to Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) 1049/2001.

¹ Official Journal L 345, 29.12.2001, p. 94.

² Official Journal L 145, 31.05.2001, p. 43.

In your confirmatory application, you question the absence of further documents, in particular with regard to a 'single written record of what was said during the seminar of the college of commissioners'.

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) 1049/2001, the Secretariat-General of the European Commission conducts a fresh review of the reply given at the initial stage.

Against this background, the European Commission has carried out a renewed, thorough search for documents that would fall under the scope of your confirmatory application as described above.

Following this renewed search, I confirm that the European Commission does not hold any further documents that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation (EC) 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



For the European Commission
Martin SELMAYR
Secretary-General