



EUROPEAN COMMISSION  
Directorate-General Enlargement

The Director-General

Brussels,

05 11 13

**Subject: Your application for access to documents – Ref GestDem No 4042-2013**

Dear Mr Dohle,

Thank you for your e-mail dated 20 July 2013, registered on 20 July under the above mentioned reference number, requesting access to documents under Regulation No 1049/2001<sup>1</sup> regarding public access to European Parliament, Council and Commission documents. Following our request for clarification, your mail dated 14 August 2013 contained a more detailed request for letters of former Vice President Barrot to former Commissioner for Enlargement Rehn dated 20 April 2005 and 30 May 2005, as well as for replies by Commissioner Rehn to these letters.

In our mails of 4 September, 26 September 2013 and 14 October 2013, we informed you that we would need more time in order to deal with your request. As regards replies by Commissioner Rehn to Vice-President Barrot, you were already informed by mail of ELARG-ACCDOC of 4 October 2013 that no documents of that kind were found that would correspond to the description given in your application.

As regards letters by Vice-President Barrot to Commissioner Rehn, two documents dated 20 April 2005 and 30 May 2005 have been found which correspond to your request.

A copy of the letter by Vice-President Barrot to Commissioner Rehn of 20 April 2005 was sent to you by mail of ELARG-ACCDOC of 14 October 2013.

Mr Arun Dohle

Email: [ask+request-694-c13d6b04@asktheeu.org](mailto:ask+request-694-c13d6b04@asktheeu.org)

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<sup>1</sup> OJ L145, 31.05.2001, page 43.

As regards the letter by Vice-President Barrot to Commissioner Rehn of 30 May 2005 to which you have also requested access, its first four paragraphs concern only general travel arrangements between the two Commissioners and are therefore considered to fall outside the scope of your request which referred to "information related to Romania/child protection/adoption". They have been consequently expunged.

The letter of 30 May 2005 to which you have requested access contains personal data in the expunged part of its sixth paragraph, in particular the name and function of the person to whom this paragraph refers.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to documents 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 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<sup>2</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>. 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 person concerned. Therefore, we are disclosing the expunged version of the above-mentioned letter of 30 May 2005.

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 person 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.

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<sup>2</sup> OJ L 8 of 12.1.2001, p. 1

<sup>3</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd

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-5  
BERL 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

I therefore enclose a copy of the letter of 30 May 2005 where the first four paragraphs and the part of the sixth paragraph which contains personal data has been expunged. The annex to the letter of 30 May 2005 is the above-mentioned letter of 20 April 2005 which was already transmitted to you on 14 October 2014.

Yours faithfully,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and strokes, positioned above the printed name.

Christian Danielsson

Enclosure: 1

JACQUES BARROT

*Vice-président de la Commission européenne*

30 -05- 2005

Brussels,

JB/iv A(05) 5795 / D (05) 4915

Dear Olli,

[REDACTED]

On another subject, I may remind you of the issue I raised with you relating to abandoned children in Romania and the importance I attach to it.

The president of the association who asked for an appointment with you is [REDACTED]

He has made this fight for Romanian children one of the great commitments of his life. I think he is right in this case. Our colleague Frattini shares, I see, my analysis that the Romanian Prime Minister could be questioned on the possibilities to resume adoptions following international rules. I know that this matter is tricky. On one hand it is necessary to prevent all new risks of corruption or organised traffic. On the other hand, it is impossible to let Romanian children be abandoned, when national adoptions and the renovation of social structures are far from being able to cope with the new cases every year. Consequently, as Commissioner for enlargement, you are the only one that can arbitrate in this conflict

It is very important, I can tell you, and many persons of great quality, in France especially, are very concerned by this problem. Please forgive my insistence. You know all my friendship and how much I trust on you, thank you.

*Mein Olli:  
de bon cœur  
Amiké*

*JB*  
Jacques BARROT

Annex : 1

Mr Olli Rehn  
Member of the European Commission  
in charge of enlargement  
BERL 10/299