



From: [SG ACCES DOCUMENTS](#)
To: 
Subject: RE: Confirmatory Application -> FW: Request for access to documents  Gestdem 2014-0046 --- Attribution to SG F1
Date: mardi 25 février 2014 18:44:26
Attachments: [image001.png](#)

Dear ,

Thank you for your email dated 24/01/2014.



We hereby acknowledge receipt of your confirmatory application for access to documents, which was registered on 25/02/2014 under reference number GestDem 2014/46 – Ares(2014) 500128.



In accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, your application will be handled within 15 working days.

The time limit will expire on 18/03/2014. In case this time limit needs to be extended, you will be informed in due course.

Yours faithfully,



From: 
Sent: Monday, February 24, 2014 10:24 PM
To: SG ACCES DOCUMENTS
Subject: Confirmatory Application -> FW: Request for access to documents -  - Gestdem 2014-0046 - -- Attribution to SG F1

From: 
Sent: 24 February 2014 22:23
To: 'xxxxxxxxxx@xx.xxxxxx.xx'
Cc: [xxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx](#); 'xxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx'
Subject: RE: Request for access to documents -  - Gestdem 2014-0046 --- Attribution to SG F1

Dear Sir or Madam,

I would like to submit a confirmatory application in the case below.

The negative reply fails to lay down, as clearly required by EU case law, how disclosure of the documents requested would concretely and not just hypothetically seriously undermine the decision-making process of the European Commission, i.e. the institution that has produced the document. This is particular relevant as the Commission has provided full access to flash reports from trilogues in the same decision-making process.

Furthermore, it is obvious from the argumentation of the Court in the case Access Info v Council (as confirmed by the Court of Justice) that neither the absence of an overall Council mandate nor the potential future amendment of the Commission's own position, which have been put forward as central arguments, are sufficient to deny access to the documents requested documents with the exceptions used. To quote from the judgement:

"If citizens are to be able to exercise their democratic rights, they must be in a position to follow in detail the decision-making process within the institutions taking part in the legislative procedures and to have access to all relevant information. [...] By its nature, a proposal is designed to be discussed, whether it be anonymous or not, not to remain unchanged following that discussion if the identity of its author is known. Public opinion is perfectly capable of understanding that the author of a proposal is likely to amend its content subsequently."

More than that, while the decision asserts (without any particular explanation) that there is no overriding public interest in access to these documents, knowing the details of the decision-making in this legislative process is indeed of crucial public interest:

As the legislation concerned will regulate future European election campaigns, the public needs to be able to judge whether the three legislative institutions are fully taking into account the new realities of the already ongoing European election campaigning when negotiating the final shapes of this future law. Lack of public access to these flash reports is thus potentially preventing an important public discourse, the lack of which can have serious negative effects for European democratic processes in the years to come. Therefore, even if the exceptions put forward despite the existing case law were valid, the overriding public interest would still allow the publication of the documents in question.

I therefore would like to request full access to these documents.

I would finally also like to highlight that the time-limit for the initial application has been prolonged with the argument that the other institutions concerned needed to be consulted. I note that Regulation 1049/2001 only foresees such consultation for 3rd-party documents, not for documents containing positions expressed by 3rd parties. I initially did not contest this, in good faith that this would lead to the widest possible access to the documents requested, but would also kindly ask to review this practice.

Yours sincerely,

[Redacted signature]

Transparency International
Liaison Office to the EU
Rue Breydel 40, B-1040 Brussels, Belgium
EU Transparency Register N° 501222919-71

[Redacted address]

From: SG-UNITE-SG-F-1@ec.europa.eu [<mailto:SG-UNITE-SG-F-1@ec.europa.eu>]
Sent: 18 February 2014 18:21
To: [Redacted]
Cc: SG-DOSSIERS-ACCES@ec.europa.eu
Subject: RE: Request for access to documents - [Redacted] Gestdem 2014-0046 --- Attribution to SG F1

Dear [Redacted],

Please find attached the reply to your request.

Kind regards,



European Commission

Directorate F - Relations with other Institutions

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