



**European Committee
of the Regions**

The Secretary General

Brussels, 12 MARS 2020
D 320/2020

Ms Madeline O'Brien
m.modlinger.1.t8ry44xcm@fragdenstaat.de

Your request A 302/2020

Dear Ms O'Brien,

I refer to your request for access to documents, received on 21 February 2020 and registered on 27 February 2020 under reference number A 302/2020 concerning EU legislation that directly impacts Limerick City, Munster, Ireland, in the following areas: '1) Strategy 2) Funding 3) Statistics (Last 5 years) 4) Future Strategy 2020-2030 5) Poverty Research 6) Human Rights 7) EU Rights versus National Rights (Eu Citizens with Triple CitizenShips) (ex. Irish to German, back to irish, results in lesser rights for EU Citizen)'.
'

After a detailed analysis of your request, I regret to inform you that it constitutes a request for information, not a request for access to documents, and is therefore outside of the scope of Regulation No 1049/2001/EC on public access to European Parliament, Council and Commission documents and consequently also out of the scope of Decision No 64/2003 on public access to Committee of the Regions documents.

EU legislation is by definition public, as it is published in the Official Journal of the European Union. Therefore, there is no need to disclose it under Regulation No 1049/2001/EC.

In fact, your request concerns information that is not contained in a specific document in the possession of the European Committee of the Regions (CoR). Therefore, in order to gather the requested information, the CoR Secretariat General would need to analyse an enormous amount of documents, namely all the EU legislation in the areas that you mention in your request, and create a *new* document listing the EU legislation that could directly impact Limerick City. However, pursuant to the relevant case-law, the EU institutions are not required under Regulation No 1049/2001/EC to create a new document:

"[...] the right of access to documents held by the institutions within the meaning of Article 2(3) of Regulation No 1049/2001 applies only to existing documents in the possession of the institution concerned [...]. An application for access that would require the [EU institution] to create a new document, even if that document were based on information already appearing in existing documents held by it, is not, therefore, an application

application for partial access and does not come within the parameters of Regulation No 1049/2001 [...]. That conclusion is implicitly confirmed by the rule in Article 10(3) of that regulation, according to which documents to which access is granted 'shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference'¹.

The CoR Secretariat General has also verified whether it would be possible to extract the requested information from a database 'by means of a normal or routine search'² but it has concluded that this is not possible.

I would like to stress that creating a new document, which the CoR is not legally obliged to do under Regulation No 1049/2001/EC, would imply a very substantial investment in time and resources.

Please note as well that the case-law has confirmed that the right of access under Regulation No 1049/2001/EC does not cover access to information in the wider sense:

'The public's right of access to the documents of the institutions covers only documents and not information in the wider meaning of the word and does not imply a duty on the part of the institutions to reply to any request for information from an individual'³.

It is also important to note that the vast majority of EU legislation – as specified in your request – is proposed by the European Commission and adopted by the European Parliament and the EU Council, the CoR acting only as an advisory body for certain policy areas during the legislative procedure. In fact, the CoR is not even consulted in many of the policy areas mentioned in your request.

Lastly, I would like to point out that the EUR-Lex website provides easy access to EU legislation and several research tools: <https://eur-lex.europa.eu/homepage.html?locale=en>

In view of the above, I regret having to reject your request.

In accordance with Article 7 of Decision No 64/2003 you are entitled to make a confirmatory application requesting the CoR to review its position. This confirmatory application should be addressed within 15 working days of receipt of this letter at the following address:

European Committee of the Regions
Transparency and Document Access Service
Rue Belliard 101
B-1040 Brussels
or by e-mail to: transparence@cor.europa.eu

Yours sincerely,



Petr Blížkovský

¹ Judgment of the General Court of 2 July 2015 in case T-214/13, *Typke v Commission*, paragraph 55, upheld by the Court of Justice in its judgment of 11 January 2017 in case C 491/15 P, *Typke v Commission*.

² Case T-214/13, paragraph 59, and case C-491/15 P, paragraph 39.

³ Judgment of the Court of first Instance of 25 April 2007 in case T-264/04, *WWF European Policy Programme v Council*, paragraph 76.