



European Personnel Selection Office

Unit 06: Communication and Attractiveness

Legal Sector



Brussels, **04 SEP. 2013**

EPSO-06/LL D(2013) 3121074

Mr N. K. NETZELL

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**Subject: Your request for access to documents of 22/08/2013
GestDem 2013/4290**

Dear Mr. Netzell,

Thank you for your e-mail dated 22/08/2012. We hereby acknowledge receipt of your application for access to documents, which was registered on 23/08/2012 under reference number GestDem 2013/4290.

We regret to inform you that no documents were found that would correspond to the description given in your application and we are, therefore, unable to grant you the access requested.

Nevertheless, I can inform you that EPSO is currently revising its Guide to open competitions (OJ C270 A of 7/9/2012). The new Guide will contain a chapter on the application of Regulation 1049/2001 in the framework of open competitions. Once adopted, this Guide will be published in the Official Journal and it will be available on our website.

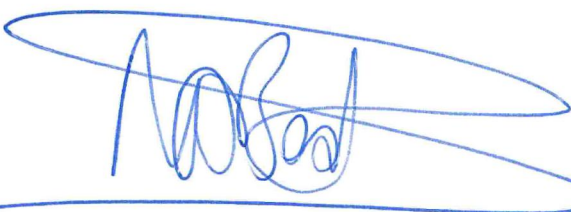
Basically, requests for access to documents under Regulation 1049/2001 are handled according to the provisions of the Regulation. However, case law has confirmed that the application of Regulation (CE) 1049/2001 (lex generalis - general rule) is excluded by virtue of Article 6 of Annex III to the Staff Regulations, which constitutes a lex specialis (special rule)¹.

¹ Case C-254/95, *Parliament v Innamorati*, judgment of 4 July 1996, published in European Court Reports - Staff Cases 1996 I-03423 (paragraphs 124-124 of the judgment).

This is the line EPSO follows when it comes to applying Regulation 1049/2001 in the framework of open competitions.

I hope this information answers your question.

Yours sincerely,



N.D. BEARFIELD