



## EUROPEAN COMMISSION

Secretariat-General

Directorate C - Transparency, Efficiency & Resources

**The Director**

Brussels  
SG.C.1/CS/rc -

***By registered mail with AR***

Ms Vicky Cann  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
1050 Brussels  
Belgium

***Copy by email:***  
[ask+request-7862-  
d669ead2@asktheeu.org](mailto:ask+request-7862-d669ead2@asktheeu.org)

**Subject: Your application for access to documents – GESTDEM 2020/4121**

Dear Ms Cann,

I refer to your e-mail of 7 July 2020 in which you make a request for access to documents, registered on 8 July 2020 under the above-mentioned reference number.

### **1. SCOPE OF YOUR REQUEST**

You request access to, I quote:

‘[A] list of all lobby meetings (including phone calls, conference calls etc) held since 1 January 2018 where a possible EU tax on plastic waste was discussed. The list should include the names of the individuals and organisations participating; the date; the agenda; and any minutes / notes produced. I would additionally like to receive any emails or other correspondence related to a possible EU tax on plastic waste received or sent since 1 January 2018’.

As regards the part of your application, in which you request access to a ‘list of all lobby meetings (including phone calls, conference calls, etc.) held since 1 January 2018 where a possible EU tax on plastic waste was discussed’, we regret to inform you that the Secretariat-General does not hold any documents that would correspond to the description given in your application.

In this context, I would like to point out that the question regarding the possible status of information stored in databases as a document within the meaning of Regulation (EC) No 1049/2001 has already been subject to an assessment by the General Court, which in its ruling in Case T-214/13 established that ‘in the event of an application for access designed to have the Commission carry out a search of one or more of its databases using search criteria specified by the applicant, the Commission is obliged, subject to the possible application of Article 4 of Regulation (EC) No 1049/2001, to accede to that request, if the requisite search can be carried out using the search tools which it has available for the database in question’<sup>1</sup>.

With this judgment, the General Court confirmed the previous judgment in the *Dufour* case, where the Court stated that ‘anything that can be extracted from a database by means of a normal or routine search may be the subject of an application for access’<sup>2</sup>.

Furthermore, I would like to bring to your attention the judgment in Case C-491/15P, where the Court of Justice took the position that the routine character of an operation which determines whether information extracted from a database is a document, is determined by whether the operation has been made available to final users for general use<sup>3</sup>.

The Application for Transparent Meetings with Organisations and Self-Employed individuals (‘ATMOS’) is the internal tool used in the Commission to publish information on the meetings of Commissioners, Cabinet members and Directors-General with interest representatives on the corresponding pages on the Europa website. Information on meetings with the Commission is also integrated into the profile of organisations registered in the Transparency Register<sup>4</sup> (as a PDF file).

It is, however, not the Commission’s practice to compose lists of meetings with interest representatives on a given file or policy issue. The data range concerned can therefore not be extracted from ATMOS by means of a routine search operation using the search tools available.

For these reasons, the information requested is not included in any existing document.

Furthermore, as regards the part of your application, in which you request access to ‘[...] any emails or other correspondence related to a possible EU tax on plastic waste received or sent since 1 January 2018’, we regret to inform you that the Secretariat-General does not hold any documents that would correspond to the description of this part of your application either.

---

<sup>1</sup> Judgment of the General Court of 2 July 2015, *Typke v European Commission*, T-214/13, EU:T:2015:448, paragraph 56.

<sup>2</sup> Judgment of the General Court of 22 October 2011, *Dufour v European Central Bank*, T-436/09, EU:T:2011:634, paragraph 153.

<sup>3</sup> Judgment of the Court of Justice of 11 January 2017, *Typke v European Commission*, C-491/15P, EU:C:2017:5, paragraph 36.

<sup>4</sup> <https://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Tatjana VERRIER  
Director