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EUROPEAN COMMISSION  
RESEARCH EXECUTIVE AGENCY  
Legal Affairs, Internal Control and Reporting  
Head of Sector

Brussels,  
REA C0.1

Dr Manuela Troschke  
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Germany

*Sent by registered email to:*  
[ask+request-8640-73a6918b@asktheeu.org](mailto:ask+request-8640-73a6918b@asktheeu.org)

**Subject: Your application for access to documents - Ares(2020)7406624**

Dear Dr Troschke,

We refer to your request for access to documents submitted to the Research Executive Agency (REA) on 2 December 2020 and registered on 7 December 2020 under reference number Ares(2020)7406624. On 5 January 2021, REA extended the time-limit to deal with your request by 15 working days.<sup>1</sup>

#### A. SCOPE OF YOUR REQUEST

In your application, you request “...*access to the validation FORM the LEAR of the entity ‘STIFTUNG ZUR ERFORSCHUNG VON OST- UND SUDOSTEUROPA’ has sent to REA.*”

This request is handled within the scope of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

#### B. DISCLOSURE OF THE REQUESTED DOCUMENTS

As a preliminary point, let me give you some clarifications on the information that you claim to have received from REA concerning the legal form of the above-mentioned entity (PIC number 953115696).

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<sup>1</sup> Ares(2021)67299

<sup>2</sup> Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.05.2001, page 43, hereinafter “Regulation N° 1049/2001.

In your message of 2 December 2020, you stated that “on October 13th, 2020... rea.access to documents wrote "dass die Organisation mit dem PIC 953115696 Stiftung zur Erforschung von Ost- und Südosteuropa heißt und eine Stiftung Bürgerlichen Rechts ist." They provided me with the link [https://urldefense.com/v3/https://stiftungen-bayern.de/stiftung/19....where\\_!!DOxrgLBm!TLAjWsr1Aock4PRUmq8PbnRSPu812RgOCrAO450JAXP8Uyv7OjbnXLGXcgc2PDb9A0\\_\\$](https://urldefense.com/v3/https://stiftungen-bayern.de/stiftung/19....where_!!DOxrgLBm!TLAjWsr1Aock4PRUmq8PbnRSPu812RgOCrAO450JAXP8Uyv7OjbnXLGXcgc2PDb9A0_$) this information is given that the entity is a Stiftung Bürgerlichen Rechts (Private Law Body). In contrast, REA legal informs me that the entity is a "Stiftung Öffentlichen Rechts" (Public Law Body) and is as such validated in the participant portal although the Statutes submitted to me by you name a "Stiftung Bürgerlichen Rechts" (Private Law Body).”

On 22 October 2020, REA replied to your request of 14 October 2020<sup>3</sup> transmitted by the European Commission (DG RTD). REA suggested you that, for any official documents attesting the legal status of the entity, you should contact the relevant German authorities that issued such document.

On 26 October 2020, you replied and insisted on receiving from REA an official document proving the existence of the entity from REA.

REA treated the latter request as an application for access to documents falling under Regulation (EC) No 1049/2001. REA identified the Statutes of the entity and the VAT extract as documents under the scope of your request.

On 24 November 2020, REA replied and provided you with the mentioned documents<sup>4</sup>. The first document (i.e. Statutes respective Terms of Reference for Stiftung zur Erforschung von Ost- und Südosteuropaforschung) was disclosed to you with the redaction of personal data in accordance with Article 4(1)(b) of Regulation (EC) No 1049/2001, whereas the second (i.e. the VAT document) was fully disclosed. The entity in question was validated as public law entity by REA in the participant register.

On 26 November 2020, you asked if REA was in the possession of any documents supporting that the entity is a private law foundation. Since REA had no such documents, we informed you of it.

Following your request of 2 December 2020 mentioned above under “scope”, we have identified the following document as related to your request:

- Legal Entity Form (LEF)

The REA Validation Services, which are responsible for validating the legal status of the entities in the participant register, consulted the entity in question on the disclosure as the LEF is a third-party document, in accordance with Article 4(4) of Regulation 1049/2001.

Following this consultation, on 29 December 2020, the entity stated that the LEF in possession of REA stating their public status was no longer valid and sent a new LEF stating their private status.

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<sup>3</sup> Ares(2020)5765863

<sup>4</sup> Ares(2020)7051031

The reason why REA was not aware of the change of the legal status of the entity is that the Legal Entity Appointed Representative (LEAR) of the entity did not communicate such a change to REA. It is a LEAR's obligation to inform REA of any changes concerning the entity and to send the supporting documents via the Funding and Tender Opportunities Portal.

Please be informed that the LEAR has now submitted the new documents (e.g. Statutes, VAT, etc.) and requested a change of status from 'public' to 'private'. Once the new status is confirmed, the change will be validated on the Funding and Tender Opportunities Portal.

Having examined the document requested under the provisions of Regulation (EC) N° 1049/2001 regarding public access to documents, we consider that the LEF can be disclosed to you with the redaction of personal data in accordance with Article 4(1) (b) of Regulation (EC) No 1049/2001.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Director of REA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to Mr Marc TACHELET, Director of REA, at the following address:

Research Executive Agency  
Covent Garden building  
COV2 – 08/52  
Place Charles Rogier, 16  
1210 Brussels

Or by e-mail to [marc.tachelet@ec.europa.eu](mailto:marc.tachelet@ec.europa.eu)

Yours sincerely,

(Signed with  
Qualified Electronic Signature)

Barbara KAMPIS

Enclosure:

- Legal Entity Form