



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Recovery & Resilience Task Force I
The Director

Brussels
SG.RECOVER.A.1/RE

Subject: Your application for access to documents – GESTDEM 2021/3029

Dear Sir,

We refer to your e-mail of 7 May 2021 addressed to the Secretariat General of the European Commission in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

You request access to access to *documents which contain the following information:*

1) a list of all meetings and/or calls between the Recovery and Resilience Task Force (RECOVER) – including Head, Advisors, Directors, and Deputies – and Italian government officials, from February 2021 onwards.

The list should include:

- date, individuals attending and their organisational/institutional affiliation

2) Any evidence of attendance by private-sector stakeholders to the above-mentioned meetings (including industry representatives and consultancy firms)

3) all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Recovery and Resilience Task Force (RECOVER) – including Head, Advisors, Directors, and Deputies – and Italian government officials, from February 2021 onwards.

To avoid any misunderstandings, I consider your request to cover documents held up to the date of your initial application, i.e. 7 May 2021.

The lists of documents falling within the scope of your application are in Annex 1 and 2.

The European Commission has received official recovery and resilience plan from Italy on 30 April 2021. This plan sets out the reforms and public investment projects that Italy plans to implement with the support of the Recovery and Resilience Facility that is the key

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instrument at the heart of NextGenerationEU, the EU's plan for emerging stronger from the COVID-19 pandemic.

The presentation of this plan follows an intensive dialogue between the European Commission and the Italian national authorities over the past number of months.

In the plan that has been submitted, Italy has requested a total of EUR 191.5 billion in support under the Recovery and Resilience Facility comprising EUR 68.9 billion in grants and EUR 122.6 billion in loans. This plan is structured around six areas: digitalisation, innovation, competitiveness and culture, green revolution and ecological transition, infrastructure for sustainable mobility, education and research, cohesion and inclusion, health. The plan proposes projects in all seven European flagship areas.

National plans are prepared by Member States, hence their publication falls under their responsibility. In an effort to promote transparency of National plans, the European Commission compiles the links to the Member States' websites (https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility_en#national-recovery-and-resilience-plans).

For most Member States the links lead to the draft or final plans or useful information shared with the stakeholders, for some others further information is not yet available.

After the submission of the plan, the European Commission was tasked with the assessment of the relevance, effectiveness, efficiency and coherence of the recovery and resilience plan to be carried out within two months and then make a proposal for a Council implementing decision. Documents related to assessment of the plan are now available (https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3126). However, the decision-making process is not yet completed as EU finance ministers have another month to evaluate the plan. No EU money is expected to be disbursed before July 2021.

Following an examination of the **documents included in Annex 1**, under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in the 4th indent of Article 4(1)(a) and in the first subparagraph of Article 4(3) of this Regulation.

More specifically, **Annex 1** includes:

- 1) Correspondences that include third-party documents of the government of Italy. Those documents are draft components of the RRP, submitted to the Commission for consultation purposes, as a preparatory step for the purpose of the final submission of the RRP and other documents relevant for the assessment of the plan presented by Italy. Therefore, their disclosure would undermine the protection of the public interest as regards the financial and economic policies of Italy. If released during the preparation and assessment phases, it could negatively impact the economic policy of Italy, given the size of the plan of above 10 per cent of 2019 GDP. Furthermore, disclosing detailed information about the different steps in the negotiations between the Italian government and the European Commission can produce serious political implications that could derail the approval of the plan hence producing clear negative impact on the disbursements of the EUR 191.5 billion.

The release of these documents may lead to interferences and speculation at each step of the process, and eventually entail risks to financial stability.

Not to mention that the disclosure of these documents would also generate unwarranted pressures on the European Commission and the other EU institutions that are assessing the plan. Given the nature and the content of the documents requested, I consider this risk as reasonably foreseeable and non-purely hypothetical.

- 2) The other documents included in **Annex 1** are correspondences between the Commission and the Italian Government during the preparation and assessment phases of the Italian plan. They also include minutes that are internal documents of the Commission. Clearly, the presentation of the plan follows an intensive dialogue between the European Commission and the Italian national authorities over the past number of months. When carrying out the assessment, the European Commission acts in close cooperation with the Member State concerned. The Italian authorities were asked to provide additional information. The disclosure of the internal considerations laid down in the requested documents would undermine the climate of mutual trust with the Member State concerned and seriously undermine the ongoing decision-making. The independence and objectivity in the decision-making process must be ensured. In order to ensure that it can fulfil its obligation to adopt the necessary decisions concerning the RRP of Italy, the Commission must protect its decision-making process from any disclosure which could seriously undermine it.

I have also examined the possibility of granting partial access to documents listed above in accordance with Article 4(6) of Regulation (EC) No 1049/2001. However, meaningful partial access for these documents is not possible, as they are fully covered by the exception relating to the protection of decision-making process, provided for in Article 4(3), first subparagraph of Regulation 1049/2001. Expunging the confidential information would make the documents meaningless or illegible.

I provide you **partial access to documents included in Annex 2** expunging the confidential information. A complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)b of Regulation 1049/2001, because they contain personal data (such as names and functions of Commission staff below senior management positions, or third-party personal data).

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 Secretary-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 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Eric VON BRESKA

Enclosures: Annexes 1 and 2