



EUROPEAN COMMISSION
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

The acting Director-General

Brussels

Mr Alexander Fanta
netzpolitik.org e.V.
Schönhauser Allee 6-7
10119 Berlin
Germany

Subject: Your application for access to documents

Reference GestDem 2022/4198

Dear Mr Fanta,

I refer to your email of 20 July 2022¹ in which you made a request for access to documents to DG NEAR, registered on the same day² under the above-mentioned reference number.

You requested access to:

“Documents mentioned in a recent reply to parliament by the Commission (E-000713/2022). The documents in question concern a possible blacklisting of Israeli manufacturer NSO Group and the spyware Pegasus. The reply by Commissioner Breton mentions that the Commission “has raised the issue with the export control authorities of the Member States and with Israel, with a view to mitigating the risks associated with trade in these sensitive products.”

I want to request all exchanges with Member States as well as with Israel on the issue. My request is also meant to cover all internal communication within the Commission (such as e-mails, legal analysis) related to said exchanges”.

We regret to inform you that DG NEAR does not hold any documents that would correspond to the description given in your application.

¹ Ref. Ares(2022)5308335.

² Ref. Ares(2022)5308361.

As specified in Article 2(3)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 DG NEAR, we are not in a position to fulfil your request.

For reasons of good order, I refer to Article 7(2) of Regulation (EC) No 1049/2001. In accordance with this Article, 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

Yours sincerely,

[e-signed]

Maciej Popowski

³ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, Official Journal L 145 of 31 May 2001, p. 43.