



EUROPEAN COMMISSION  
Secretariat-General

The Secretary-General

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**By registered mail:**

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**DECISION OF THE SECRETARY GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents –  
GESTDEM 2015/2271**

Dear Ms Fiedler,

I am writing in reference to your email of 29 May 2015, registered on the same day, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter Regulation 1049/2001).

Through your initial application of 20 April 2015, you asked the Commission to provide you with documents which concern the *Forum with the Internet Service Providers Community* (hereafter 'the Forum') and contain the following information:

- 1) a list of participating businesses in this "Forum with the Internet service providers community";
- 2) information on the Unit responsible for the coordination of the Forum;

<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L 145 of 31.05.2001 p. 43

- 3) objectives and tasks of the Forum;
- 4) Minutes of meetings of the Forum;
- 5) a list of upcoming meetings of the Forum;
- 6) a timeline of the work of the Forum.

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By letter of 11 May 2015, the Directorate-General for Migration and Home Affairs (DG HOME) informed you that no documents were found that would correspond to the description given in your application. DG HOME also informed you that the work on the setting up of the Forum as described in the European Agenda on Security had only started. DG HOME also made reference to certain public documents containing information on the objectives and the tasks of the Forum.

In your confirmatory application you request a confirmation that there are no documents covered by your request that are in the Commission's possession.

Against this background, the Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission has not identified any documents held by it that would fall under your request for access to documents.

As specified in Article 2(3) of Regulation 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 have been identified, the Commission is not in a position to handle your request.

The above conclusion concerns the scope of your initial request of 20 April 2015, as cited above. I note, however, that your confirmatory application of 29 May 2015 goes beyond your initial request in that it asks for documents or communications between the private sector and the Commission following the announcement to "set up a forum with key players in the industry", documents and communications between the Commission and "community groups" and "citizens" mentioned in section 2.6 of the Commission's Communication "Preventing Radicalisation to terrorism and Violent Extremism" (COM(2013)941 final of 15 January 2014, as well as documents regarding plans for setting up the Forum.

Given that Regulation 1049/2001 provides for a two-stage review of access-to-documents requests, the Commission considers that the scope of your request at the confirmatory level, which goes beyond your initial application of 20 April 2015, is in essence a new request that will have to be dealt with first at the initial level. Moreover, while your access-to-documents application was pending, a first meeting with the stakeholders in preparation of the formal launch of the Forum was held<sup>3</sup>.

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<sup>3</sup> The meeting took place on 7 May 2015.

In view of the above and in the interest of good administration, the Commission has decided to register *ex officio* a new initial request under GestDem 2015/3658, which covers your enlarged request at the confirmatory level and the documents that were newly created after the initial reply given by DG HOME. You will receive a separate reply by DG HOME in response to this new initial application.

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Finally, I draw your attention to the means of redress available against this decision. You may, under the conditions of Article 263 TFEU, bring proceedings before the General Court or, under the conditions of Article 228 TFEU, file a complaint with the European Ombudsman.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day