

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

The Director General

Brussels, 01 JUL 2013
JUST/A4/LZ/Ares(2013)

Ms. Cornelia TRENTEA

By e-mail: ask+request-477-e12974e5@asktheeu.org

Subject: Request for Access to Documents - Grants and contracts awarded by European Commission to Danish Institute for Human Rights- TRENTEA - Gestdem 2013-1654

Dear Ms. Trentea,

I would like to thank you for your e-mail enquiry regarding the grants and contracts awarded to the Danish Institute for Human Rights (DIHR), including a request for access to documents related to such grants and/or contracts on the basis of Regulation (EC) No. 1049/2001¹ of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents.

In your e-mail of 21 May 2013 replying to our request (of 16 May 2013, registered as Ares(2013)1158727) for a more specific identification of the documents you wish to access, you confirmed your wish to obtain the following documents (insofar as they were submitted by the Danish Institute for Human rights to the Commission within the framework of its application for grants JUST/2012/PROG/AG/3720, JUST/2009/FAC/AG/1279 and JUST/2011/PROG/AG/1909):

- i. Official annual financial statements (profit and loss account and/or balance sheet) and an audit report certifying the accounts for the last financial year available, produced by a certified external auditor (not applicable for universities and public authorities) – only available for grant JUST/2009/FAC/AG/1279;
- ii. Curriculum vitae of key staff performing the work in connection with the project;
- iii. Annual technical/narrative report of the applicant organisation for the previous year;
- iv. Partner declaration form (includes declaration on exclusion criteria).
- v. Application form including a declaration on exclusion criteria

Please note that following an analysis of your request, as well as a consultation of the Danish Institute for Human Rights as the author of the aforesaid documents, access can now be provided to all of the requested documents in the Commission's possession, except for the curricula vitae of key staff performing the work in connection with the project (for all three projects listed above).

¹ OJ L 145 of 31.5.2001, p. 43

Regarding the curricula vitae of key staff submitted by the Danish Institute for Human Rights to the Commission, please note that these documents contain essentially personal data and therefore fall under the exception mentioned in Art. 4 (1) (b) of Regulation (EC) No. 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents, i.e. their disclosure would undermine the privacy and integrity of the individuals concerned.

The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with our assessment, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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

Secretary-General

Transparency unit SG-B-5

BERL 5/327

B-1049 Bruxelles

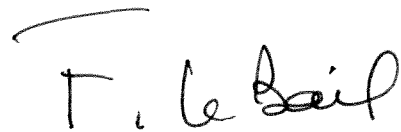
or by email to: sg-acc-doc@ec.europa.eu

² OJ L 8 of 12.1.2001, p. 1

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

Given the volume of the documents to which you have been granted access on the basis of your request (and which exceed the capacity of standard e-mail communication), I would encourage you to provide the relevant service (via the functional mailbox JUST-FRC-PROGRAMME@ec.europa.eu, quoting the reference of your enquiry) with a postal address at which you wish to receive these documents. Please note that the aforesaid documents were received by the Commission from Danish Institute for Human Rights. They are disclosed for information only and cannot be re-used without the agreement of the originator, who hold a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such. Furthermore, they cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'F. Le Bail'. The signature is written in a cursive style with a horizontal line above the first part.

Françoise LE BAIL