



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

The Director General

Brussels,
JUST 01/AC

Mr A. Dohle
Reimserstr. 47
52074 Aachen
GERMANY

**Registered letter
with acknowledgement of receipt**

Subject: Your application for access to documents – Ref GestDem No 2014/2552

Dear Mr Dohle,

We refer to your e-mail dated 20/05/2014 in which you make a request for access to documents, registered on 26/05/2014 under the above mentioned reference number.

Your application concerns:

"any letters received from members of Euradopt by the respective Commissioners and/or Commissioner Olli Rehn, Franco Frattini, Jacques Barrot and President Barroso. Including responses given, related internal notes and phone logs. Period 2005 - 2009.

- *Euradopt Members and respective Commissioner:*
- *AMARNA -Belgian Commissioner*
- *Sourires d'Enfants - French Commissioners*
- *AC International Child Support - Danish Commissioner*
- *DanAdopt - Danish Commissioner*
- *Interpedia - Finnish Commissioner*
- *Save the Children Finland Pelastakaa Lapset - Finnish Commissioner*
- *Païdia 87bis - French Commissioners*
- *Protestant Adoption Center (Evangelischer Verein für Adoptions- und Pflegekindervermittlung Rheinland e.V.)- German Commissioner*
- *PARENTS-CHILD-BRIDGE (Diakonische Werk - Eltern-Kind-Brücke e.V.)- German Commissioner*
- *Family For You - Austrian Commissioner*

- *Amici dei Bambini - Italian Commissioner*
- *CIAI - Italian Commissioner*
- *Wereldkinderen (Netherlands Intercountry Child Welfare Organisation)- Dutch Commissioner*
- *Kind en Toekomst (Child and Future) - Dutch Commissioner*
- *Meiling - Dutch Commissioner*
- *Adoptionscentrum - Swedish Commissioner*
- *FFIA(Familjeföreningen för Internationell Adoption)- Swedish Commissioner*
- *Swedish Friends of Children (Barnens Vänner)- Swedish Commissioner"*

As communicated by e-mail of 3 June 2014 the part of the request concerning correspondence with President Barroso is dealt with separately by the Secretariat General (see GestDem n. 2014/2553).

Concerning the rest of the requested items, the following documents correspond to your request:

- (1) Letter from Danadopt to Commissioner Fischer Boel arrived on 16.02.2007
- (2) Reply from Commissioner Fischer Boel of 02.03.2007
- (3) Note of transmission from CAB Fischer Boel to CAB Frattini of 02.03/2007
- (4) Letter from Adoptionscentrum to Commissioner Wallstroem of 08.01.2007
- (5) E-mail from Wereldkinderen to Commissioner Kroes of 02.12.2007
- (6) E-mail from Amici dei Bambini to Commissioner Frattini of 22.11.2005
- (7) Letter from Amici dei bambini to Commissioner Frattini of 18.01.2006
- (8) Reply from Commissioner Frattini of 16.02.2006
- (9) E-mail from Amici dei Bambini to Commissioner Frattini of 23.02.2006
- (10) E-mail from Amici dei Bambini to Commissioner Frattini of 22.03.2006
- (11) Letter from Amici dei Bambini to Commissioner Frattini arrived on 16.06.2006
- (12) Reply of DG JLS on behalf of Commissioner Frattini of 28.8.2006
- (13) E-mail from Amici dei Bambini to Commissioner Frattini of 19.09.2006
- (14) Letter from Amici dei Bambini to Commissioner Frattini 10.10.2006
- (15) Letter from Amici dei Bambini to Commissioner Frattini of 02.02.2007
- (16) Reply from Commissioner Frattini of 14.03.2007

Since some of the documents concerned originate from third parties, the originators of the documents have been consulted.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I am pleased to inform you that your application can be granted for all documents except documents (8) and (16) for which the internal procedure to allow disclosure is not yet finalized and document (5), the e-mail from Wereldkinderen, as the third party did not agree with the disclosure of the document at this stage, due to the fact that they need to submit the issue to their Board and the Board would only meet in September.

I consider that in this context, it is appropriate to take into account the need for internal consultations of the association author of the document. This will avoid any prejudice to the possibility that eventually the association legitimately invokes one of the exceptions to the disclosure of documents laid down in Regulation 1049/2001.

I have also considered whether there is an overriding public interest in the immediate disclosure of the document, but on the basis of the available information it appears that there is not an overriding public interest.

You will therefore receive a complementary reply on documents (8) and (16) as soon as the internal clearance process is finished for the Commission documents.

As for the documents for which we can grant access, I would like to draw your attention on the fact that some of them contain personal data, in particular documents (9), (10), (11) and (13).

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². 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. Therefore, we are disclosing the documents requested expunged from this personal data.

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

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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.

In accordance with Article 7(2) of Regulation 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

Secretary-General

Transparency unit SG-B-4

BERL 5/327

B-1049 Bruxelles

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

Yours faithfully,



Françoise LE BAIL
General Director

Contact:

DG JUSTICE ACCESS TO DOCUMENTS TEAM:

e-mail: JUST-ACCES-DOCUMENTS@ec.europa.eu

Enclosures:

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