



## EUROPEAN COMMISSION

Office of First Vice-President Frans Timmermans  
Deputy Head of Cabinet

Brussels, 27/07/2015  
Ares (2015) 3356907

Dear Ms Darbshire,

Thank you for your letter of 17 June 2015, to which First Vice-President Timmermans has asked me to reply on his behalf.

Mr Timmermans welcomes your positive appreciation of the steps taken by the Commission towards greater transparency, and takes note of the additional information on your assessment of Regulation 1049/2001 in comparison with international standards. In response to the various issues which you raise, the Commission has provided detailed replies in its previous correspondence. Nevertheless, I would like to provide some additional clarifications regarding some of the issues you raise.

As regards the Commission's 2008 proposal for the recast of Regulation 1049/2001<sup>1</sup> and its separate 2011 'Lisbonisation' proposal<sup>2</sup>, the Commission has made intensive efforts to bring the European Parliament and the Council closer together. It now falls to the other institutions to take the proposals further and the Commission will continue to work constructively with both. Meanwhile, most EU institutions, bodies and agencies have aligned their internal rules and regulations with the requirements of Regulation 1049/2001.

The Commission takes the view that the Regulation and its related case law strike the right balance between the right of access to documents on the one hand, and the equally important, fundamental right to privacy and integrity, on the other.

Under these circumstances, the Commission does not see an immediate need for further legislative proposals. Nevertheless, the Commission is constantly working towards a better application of Regulation 1049/2001, for instance by reducing the time taken to reply and by ensuring a more pro-active publication of information and documents. The average time for replying to access-to-documents requests has thus been substantially

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<sup>1</sup> COM(2008)229 of 30 April 2009.

<sup>2</sup> COM(2011)137 of 21 March 2011, aimed at extending Regulation 1049/2001 to all EU institutions, bodies, offices and agencies.

reduced, despite the increasing number and scope of requests (applicants increasingly asking for 'all documents' on wide-ranging subject matters, covering several years).

With regard to *trilogue* meetings, thank you for your suggestions on ways to increase their transparency. The Commission has proposed, on 19 May 2015, that in the context of the future Inter-Institutional Agreement on Better Regulation the three institutions should agree to ensure an appropriate degree of transparency of the legislative process. However, it should be recalled that *trilogue* meetings are primarily steered by the co-legislators, i.e. the European Parliament and the Council, rather than the European Commission which is present to assist and facilitate compromise between the co-legislators.

Regarding transparency and the ongoing negotiations of the Transatlantic Trade and Investment Partnership (TTIP) agreement, the Commission took an unprecedented step with its Communication of 25 November 2014 and the subsequent publication of all EU 'textual proposals' on the TTIP website. Since then, the Commission has continued to proactively make public a variety of other documents and information on all areas of the negotiations, which has been welcomed *inter alia* by the European Ombudsman. However, in the context of an international negotiation, the Commission's commitment to transparency is necessarily limited to its own documents.

Mr Kröger, Head of Unit of the Secretariat-General's Transparency Unit (SG/B4), is available for a meeting with you in order to provide additional clarifications.

Yours sincerely,

  
Michelle Sutton