



EUROPEAN COMMISSION
Employment, Social Affairs and Equal Opportunities DG

The Director-General

06.12.05*019092

Brussels,
EMPL/E/3/US/JB/ba/D(05) 27722

Dr Andrea Raccanelli
Bornheimer Str. 34
D-53111 Bonn

Dear Dr Raccanelli,

Thank you for your letter dated 11.11.05, registered on 23.11.2005 (ref. DG EMPL 26512), opposing the closure of your case and requesting access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents. I understand that you would like to have access to the correspondence exchanged to date between the Commission services and the German authorities, in particular the German letter of reply dating from 18.1.2005.

I regret to inform you that the documents requested are covered by one of the exceptions provided for by the policy relating to access to documents and that they cannot be made available to you.

The exception which applies to the documents you requested is that the disclosure of the document would undermine the protection of the purpose of investigations; this exception is laid down in Article 4 N° 2 3rd point of Regulation No 1049/2001. The correspondence of the services of the Commission with Member States as well as Letters of Formal Notice and Reasoned Opinions addressed by the Commission to Member States in the framework of infringement procedures are such documents related to investigations of the Commission; the disclosure would thus undermine the protection of the purpose of the investigations.

However, if you want this position to be reviewed you should write to the Commission's Secretary-General at the address below, confirming your initial request. You have fifteen working days in which to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn.

The Secretary-General will inform you of the result of this review within 15 working days from the registration of your request, either granting you access to the documents or

¹ OJ L145, 31.05.2001, page 43.

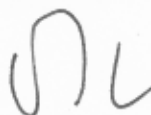
confirming the refusal. In the latter case, you will be informed of how you can take further action.

All correspondence in this matter should be sent to the following address:

The Secretary-General
European Commission
B-1049 BRUSSELS

As far as your request for a personal meeting with the Commission services is concerned with the purpose of discussing your complaint and the additional information sent in your last letter I would like to ask you to contact Ms Ursula Scheuer in order to arrange for an appointment.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'O' followed by a 'Q' and a 'TIN'.

Odile QUINTIN