

Der Generalsekretär

D 300181 13.01.2022

REGISTERED LETTER
WITH ACKNOWLEDGEMENT OF RECEIPT

Ms Luisa Izuzquiza
Mr Arne Semsrott
FragDenStaat | Open Knowledge Foundation Deutschland e.V.
Singerstr. 109
10179 Berlin
Germany

Subject: Your application for public access to documents
Our reference: **A(2021)10588** (to be quoted in future correspondence)

Dear Ms Izuzquiza, Mr Semsrott,

On 3 December 2021, the European Parliament registered your application seeking public access to all documents, such as rules and guidelines regarding costs of litigation before Union courts and in particular with regard to how, and in accordance with which criteria, Parliament:

- relies on external legal advice;
- calculates its costs where these are to be borne by the other party;
- claims those costs from the other party; and
- applies limits, reductions or waivers to those costs.

Your application has been examined in the light of Regulation (EC) No 1049/2001 laying down the terms and conditions for public access to the documents of Parliament, Council and Commission.¹

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p.43.

The right of public access to documents under Regulation (EC) No 1049/2001 applies only to existing documents held by an institution, that is, documents that have been drawn up or received by an institution and are in its possession.²

However, the Court of Justice of the European Union has also established that the fact that a document to which access has been requested does not exist, or the fact that it is not in the possession of the institution concerned, does not make Regulation (EC) No 1049/2001 inapplicable. On the contrary, the institution concerned is under a duty to respond to the applicant and if necessary to justify its refusal of access³.

Following this case-law, Parliament informs you that it has assessed your application and that it has not identified any documents as falling within the scope of your application.

Parliament therefore informs you that, pursuant to Article 2(3) of Regulation (EC) No 1049/2001, it cannot accede to your application.

Your attention is drawn to the fact that, pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to submit, within 15 working days of receipt of this letter, a confirmatory application asking the European Parliament to reconsider its position.

Yours sincerely,



Klaus WELLE

² Judgment of the Court of 11 January 2017, *Typke v Commission*, C-491/15 P, EU:C:2017:5, paragraph 31

³ Judgment of the Court of 2 October 2014, *Strack v Commission*, C-127/13 P, ECLI:EU:C:2014:2250, paragraphs 41 and 42.