

European Commission
Secretary General
Transparency Unit SG B 4
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22 January 2015

On behalf of Justice and Environment, European Network of Environmental Law Organizations, I as the Chairman of the organization hereby submit the below

CONFIRMATORY APPLICATION

to the Secretary General of the European Commission against the refusal by the Commission of our request for access to documents dated 7 January 2015 and delivered on 8 January 2015. The reference number of the case is Ref. Ares (2015) 62044 – 08/01/2015 (Ref GestDem No. 2014/6027).

We kindly request the European Commission to review its position regarding the refusal of access to documents in the said case. Our arguments in favor of disclosure of the requested documents are the following:

1.

The documents were broadly reported in diverse media outlets, including Brussels and national (Hungarian) media as well as social media means. Nevertheless, the exact content of the Commission's infringement allegations are still unclear. These are, however, crucial in order to precisely inform the public about the work of the Commission that is done in favor of enforcing European environmental law and for the benefit of the EU citizens.

2.

While we understand that there is a chance during the investigation phase of an infringement procedure to amicably settle the argument between the Commission and the Member State, this is still not the principal aim of an infringement procedure. Rather it is to make sure that the Member States uniformly and properly apply EU law. For this reason, access to documents is rather promoting than hindering the attainment of the principal aim of a Pilot or infringement procedure.

3.

Lastly, we see an overriding public interest in disclosure as such cases that involve ensuring clean air for the citizens of the EU affect at least millions of people, often regardless of their nationality (especially in cases of transboundary pollution). In such circumstances the public interest is clearly in the disclosure rather than the refusal of access to information (documents). This very case is also such; therefore we kindly request the Commission to grant access to the requested documents.

Sincerely Yours,

Siim Vahtrus, Chairman, J&E