

Mikolaj Ratajczyk
Senior Legal Adviser
Department – Legal & Procurement
Executive Directorate

Cologne

Ms Sadia Akbar Manan

Chefkonsulent / Senior Executive Legal
Advisor
Trafikstyrelsen
Danish Civil Aviation and Railway Authority
sama@trafikstyrelsen.dk

(sent by e-mail only)

Subject: Your consultation request on access to documents

Dear Ms Akbar Manan,

Thank you for your e-mail dated 30 March 2022, by which you inform the European Union Aviation Safety Agency (EASA) that the Danish Civil Aviation and Railway Authority (DCARA) has received on 21 March 2022 a request from a Member of Danish Parliament regarding access to EASA's ADR standardisation inspection report of 7 December 2021, related to EASA's ADR standardisation inspection of the DCARA, which took place from 27 September to 01 October 2021.

In your e-mail you request confirmation from EASA under Article 5 of Regulation (EU) 1049/2001¹ whether *Members of National Parliaments are given a special status by EU regulation and therefore can be granted a special access to documents, in this case, to Inspection Report of 7 December 2021.*

After assessing your request, we would like to inform you that Regulation (EU) 1049/2001 does not provide any special status/treatment for requests coming from Members from National or the European Parliament. In fact, the current common administrative practice is that, as regards requests for access emanating from Members of the European Parliament (MEPs), these are in principle registered and treated in the same way as any other requests submitted by citizens or legal persons.

Said this, we recommend that you assess this request taking into account whether the Member of the Parliament requesting access is i) acting on behalf of the Danish Parliament (meaning for example that that there is an Investigation Committee ongoing, in the context of which the request is made, etc.) or ii) he/she is requesting access as an individual person.

If the requester is acting on behalf of the Parliament (case i) referred above), we believe you should follow any relevant special protocol or procedure there might be in place at national level to share this type of confidential information between the National Administration and the Parliament (as for

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.

example it is the case for relations between the European Parliament and the European Commission²). On the contrary, if the requester is acting as an individual, his/her request to access to documents should be treated in the same way as any other request submitted by any other citizen. In this sense, we would like to kindly remind you that EASA's assessment provided by letter Ref (Ares)412196 has not changed so far, meaning that EASA does not oppose to the disclosure of those paragraphs of the Inspection Report which are mentioned in that letter.

Finally, given that the requester is a Member of a National Parliament, you may also consider, after having assessed the purpose for which access to the document is sought, to grant further access, beyond what you would normally grant to an individual, under a special procedure such as for instance an *in camera meeting* allowing to consult the document in a secure reading room, without the possibility of making copies, taking extracts, or disseminating further the confidential content.

Should you have further questions, please do not hesitate to contact us again.

We appreciate that you provided us with the opportunity to express our view.

Yours sincerely,

Mikolaj Ratajczyk

(eSigned)

² [Framework Agreement on relations between the European Parliament and the European Commission \(europa.eu\)](https://european-council.europa.eu/media/en/press-areas/pages/item-detail/11411)