

**Question for written answer E-010091/2012
to the Commission**
Rule 117
Christian Engström (Verts/ALE)

Subject: Transparency in court cases about complaints against the Commission

Dr Patrick Breyer, who is an EU citizen and a member of the regional parliament of Schleswig-Holstein, has made a complaint against the Commission because it refused to give access to documents in a court case regarding the Data Retention Directive and its implementation (Case T-188/12).

In this connection, the Commission has requested that Dr Breyer remove both his own complaint and the Commission's answer to him from the internet, where he has published them.

1. Does the Commission have a general policy of refusing any access to court documents even in completed cases, such as Case T-188/12?
2. If so, for how long has this policy been in effect, and how many requests for documents have been denied each year that it has been in effect?
3. If not, why did the Commission refuse Dr Breyer access to those documents?
4. Why has the Commission demanded that Dr Breyer remove his complaint against the Commission and the Commission's answer from the internet, where he has published them?
5. If a Member of the European Parliament were to republish those two documents, would the Commission make a similar demand to that MEP? If so, on what legal basis? If not, why not, given that it has already made such a demand to the citizen who lodged the complaint against the Commission?