

EN
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Answer given by Mr Gentiloni
on behalf of the European Commission
(28.4.2021)

Article 15(3) of the Treaty on the Functioning of the EU gives EU citizens, residents and businesses the right of access to documents of the EU institutions, bodies, offices and agencies subject to certain principles and conditions. Regulation (EC) No 1049/2001¹ lays down the general principles and limits on access. It aims to ensure that citizens can exercise their right of access in the easiest possible way.

The Loan Agreements (or parts of it) originate from the Member States. As per Article 4(4) of the above-mentioned Regulation, the Commission consulted the Republic of Italy, with a view to assessing whether exceptions in Article 4(1) to (3) are applicable. The requested document was partly released in December 2020.

The Commission then received a confirmatory application for access to the same document and had to consult the Italian authorities again, as per Article 4(4) and considering Article 4(5). The confirmatory decision was adopted in March 2021. As per Article 4(6), partial access was granted to the document with only limited parts redacted on the basis of the exceptions laid down in Article 4(1)(b) (protection of the privacy and the integrity of the individual) and Article 4(1)(a) fourth indent (protection of the financial, monetary or economic policy of the Community or a Member State).

For the Recovery and Resilience Facility (RRF), the loan support will be implemented by loan agreements between the Commission and the beneficiary Member State. No decision on the protocols regarding the RRF loan support has yet been taken.

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).