

**IN THE GENERAL COURT
OF THE COURT OF JUSTICE
OF THE EUROPEAN UNION**

APPLICATION NO.

BETWEEN:

PROFESSOR GERALD STEINBERG

1 Ben-Maimon Boulevard, Jerusalem, 92262, Israel

Applicant

- and -

THE EUROPEAN COMMISSION OF THE EUROPEAN UNION

The Secretariat General, European Commission, B-1049 Brussels, Belgium

Respondent

APPLICATION

I Introduction

1. The Applicant Professor Gerald Steinberg (“the Applicant”), by and through his lawyer, Trevor Richard David Asserson of Asserson Law Offices whose address is 33 Jaffa Street, Jerusalem 94221 Israel and also at 4 New Bond Street, London, England brings this Application in the English language against the Respondent European Commission of the European Union (“the Respondent”) to obtain copies of documents under EC Regulation 1049/2001, relating to tens of millions of Euros in public funding provided by the EC to non-governmental organisations active in the Arab-Israeli conflict. Mr Asserson of Asserson Law Offices agrees that service can be effected on him by email to the email addresses trevor@asserson.co.uk and michael@asserson.co.uk, and by telefax to the fax number +44 870 868 1758, set out at the bottom of this Application.

II The Parties

2. The Applicant is a citizen of the United Kingdom. He is the President of NGO Monitor, a non-governmental organisation headquartered in Jerusalem, Israel. He is also Professor of Political Science at Bar Ilan University located in Ramat Gan, Israel where he specializes in international relations, strategy, arms control, diplomacy, and “soft power”, particularly in the Middle East, including proliferation and the politics of NGOs.
3. The Respondent is in possession of documents sought by the Applicant and is authorised pursuant to the EC Treaty and EC Regulation 1049/2001 to provide access to those documents.

III. Jurisdiction

4. This Application is being brought pursuant to Article 8 of EC Regulation 1049/2001 which states that “in the event of a total or partial refusal [to grant access to documents]” the applicant may “institute court proceedings against the institution” in accordance with Article 230 of the EC Treaty.

IV. Factual Background

A. EU Funding for Non-Governmental Organisations & Civil Society

5. The European Union via various funding mechanisms provides hundreds of millions of Euros annually to Non-Governmental Organisations (“NGOs”) and civil society organisations. Funding for these groups active in the Arab-Israeli conflict is in the tens of millions of Euros through mechanisms such as ECHO, European Instrument for Democracy and Human Rights (“EIDHR”), and the Partnership for Peace (“PfP”).
6. The ostensible objectives of this funding are to promote democracy, peace, development, and human rights. It is important that such objectives are achieved and that the funding is provided to organizations which pursue these goals.

7. Many of the organisations which receive funding from the EU are unelected, nontransparent, and unaccountable, which makes the funding process capable of being subject to abuse.
8. Under these circumstances it is of particular importance for there to be full transparency of relevant funding decisions so that member states can understand how these funds are being allocated.
9. This Application shows how the Applicant's attempt to obtain the transparency which the EU is obliged to provide has been hampered for no proper reason.

V. EU Freedom of Information Law

A. European Union Transparency

10. Transparency is a “strategic objective” of the EU because “high standards of transparency are part of the legitimacy of any modern administration.” The “importance of a *‘high level of transparency’*” ensures that “the Union is *‘open to public scrutiny and accountable for its work’*”. (European Commission, Transparency Initiative Green Paper). These principles are protected in the law of the EU.

B. Treaty of the European Commission

11. Article 255 of the EC Treaty provides:

"255(1). Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to European Parliament, Council and Commission documents, subject to the principles and the conditions to be defined in accordance with paragraphs 2 and 3.

255(2). *General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the Council...*"

12. Article 253 of the EC Treaty provides:

"Regulations, directives and decisions adopted jointly by the European Parliament and the Council, and such acts adopted by the Council or the Commission, shall state the reasons on which they are based and shall refer to any proposals or opinions which were required to be obtained pursuant to this Treaty."

C. EU Regulation 1049/2001 Relating to Access to Documents

13. EU Regulation 1049/2001 [OJ L145, 31.05.2001 page 43] was adopted with effect from 3 December 2001 *"with a view to improving the transparency of the [EU] decision making process"*.

14. According to the Preamble of the EU Regulation 1049/2001:-

- (1) *The second paragraph of Article 1 of the Treaty on European Union enshrines the concept of openness...*
- (3) *...This Regulation consolidates the initiatives that the [Union] institutions have already taken with a view to improving the transparency of the decision-making process.*
- (4) *The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.*
- (6) *Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including delegated powers, while at the same time preserving the effectiveness of the decision-making process. Such documents should be made directly accessible to the greatest possible extent.*
- (8) *In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down by in this Regulation...*

- (11) *In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exception. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks...*
- (14) *...In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.*

15. The content of Regulation 1049/2001 lays out the process for access to documents:

i. Article 1 - Purpose

"The purpose of this Regulation is:

- (a) *to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to 'the institutions') documents provided for in Article 255 of the EC Treaty **in such a way as to ensure the widest possible access to documents**, (emphasis added)*
- (b) *to establish rules ensuring the easiest possible exercise of this right, and*
- (c) *to promote good administrative practice on access to documents."*

ii. Article 2 - Beneficiaries and scope

3. *"This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.*
4. *Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form through a register...*
5. *Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article."*

iii. Article 3 - Definitions

(a) 'document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility.

iv. Article 4 - Exceptions

1. *"The institutions shall refuse access to a document where disclosure would undermine the protection of:*

(a) the public interest as regards:

- public security,*
- defence and military matters,*
- international relations,*
- the financial, monetary or economic policy of the Community or a Member State;*

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. *The institutions shall refuse access to a document where disclosure would undermine the protection of:*

- commercial interests of a natural or legal person, including intellectual property,*
- court proceedings and legal advice,*
- the purpose of inspections, investigations and audits,*

unless there is an overriding public interest in disclosure.

3. *Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.*

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institutions concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure."

6. *If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released."*

v. Article 6 - Applications

1. *"Applications for access to a document shall be...in a sufficiently precise manner to enable the institution to identify the document. The applicant is not obliged to provide reasons for the application.*
2. *If an application is not sufficiently precise, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example by providing information on the use of the public registers of documents.*
3. *In the event of an application relating to a very long document or a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.*
4. *The institutions shall provide information and assistance to citizens on how and where applications for access to documents can be made."*

vi. Article 7 - Processing of initial applications

"An application for access to a document shall be handled promptly . . . Within 15 working days from registration of the application, the institution shall either grant access to the document requested or . . . state the reasons for the total or partial refusal."

vii. Article 8 - Processing of confirmatory applications

1. *A confirmatory application shall be handled promptly within 15 working days from registration of such an application...*
3. *"Failure by the institution to reply within the prescribed time limit shall be considered as a negative reply and*

entitle the applicant to institute court proceedings against the institution..."

viii. Registers

1. *"To make citizens' rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register shall be provided in electronic form. References to documents shall be recorded in the register without delay.*
2. *For each document the register shall contain a reference number... the subject matter and/or a short description of content of the document and the date on which it was received or drawn up and recorded in the Register."*

V1. The Claimant's Request for Documents

16. On 23 October 2008, the Applicant made an initial request to the Respondent for documents pursuant to Regulation 1049/2001. A copy of this letter is attached as Exhibit [A1]. The Applicant's request sought:

"the minutes from European Commission meetings relating to funding decisions for grants to Israeli and Palestinian NGOs for the past 3 years under PfP [the Partnership for Peace] and EIDHR [European Instrument for Democracy and Human Rights] programs...."

The documents requested by the Applicant included the following:

- (a) Minutes from meetings of the Selection Committee, its recommendations, the final awards and any other relevant sessions;
- (b) In order to enable the Applicant to understand the Respondent's decision-making process, the "score" and "grade" referred to in a letter dated 24 September 2008 to the Applicant from John Kjaer Representative and Robert Kregel Charge d'Affaires a.i. of the Delegation of the Respondent to the State of Israel;
- (c) Reports from the twice-annual audits of the Respondent's projects;
- (d) The results of any "annual evaluation plans"; and

(e) The "Results-Oriented Monitoring performed by "independent external contractors" referred to in an email dated 25 October 2008 to the Applicant from Mr Dickinson, Head of Operations European Commission Technical Assistance Office for the West Bank and Gaza Strip.

17. On 21 November 2008, Mr Duynhouwer, Head of the Unit of the EuropeAid Co-operation Office of the Respondent, denied the Applicant's initial request dated 23 October 2008. Mr Duynhouwer gave no specific or concrete explanation as to why documents were withheld. Instead, he simply made a general reference to exceptions contained in Article 4 subsections 1 (b), 2 and 3 of Regulation 1049/2001 as the basis for his refusal. A copy of the 21 November 2008 letter is attached as Exhibit [A2].

18. On 27 November 2008, the Applicant requested the Secretary General of the Respondent to conduct a review of Mr. Duynhouwer's decision on the grounds that none of the exceptions in Article 4 of the Regulation appeared to apply to the Applicant's request. A copy of the 27 November 2008 letter is attached as Exhibit [A3].

19. On 5 January 2009, Mr Maes, Deputy Head of the Unit of the Secretary General of the Respondent, wrote to the Applicant stating his confirmatory request:

"is currently being handled. However, we have not yet identified all documents that would fall within the scope of your request and are, therefore, not in a position to carry out a proper analysis of the requested documents in order to take a final decision. Consequently, we will not be able to reply to your confirmatory request with the prescribed time limit which expires today."

A copy of the 5 January 2009 letter is attached as Exhibit [A4].

20. On 26 January 2009, Mr Maes again wrote to the Applicant and stated that the Respondent could not meet the deadline which expired on that day because the Applicant request concerned hundreds of documents. Mr. Maes requested that:

*"In order to handle your confirmatory request within **the shortest possible time-limit and with the utmost efficiency** we would kindly ask you...to narrow down the scope of your current request by providing us with a more detailed description of the kind of documents you wish to receive or if this is not possible to prioritise the various categories of documents of your request." (emphasis added)*

A copy of the 26 January 2009 letter is attached as Exhibit [A5].

21. On 5 February 2009, the Applicant responded and stated:

"This response together with other parts of your letter, suggests that you have now agreed to comply with my request for access to the documents sought and that you have now abandoned the reasons previously given, in Hans Duynhouwer's letter of 21 November 2008, purporting to refuse my request. Please confirm."

A copy of the 5 February 2009 letter is attached as Exhibit [A6].

22. The Applicant has received no such confirmation from the Respondent.

23. In his letter dated 5 February 2009, the Applicant also stated:

"My request was made on 23 October 2008, more than three months ago. Yet I have still to receive a single document, despite the fact that the Regulations require you provide a response within 15 working days of the request. Please explain precisely what steps you have taken to date and what further steps you propose taking to comply with my request..."

24. In addition, in the letter dated 5 February 2009 the Applicant attempted to work with the Respondent to facilitate review of the requested documents and stated:

"Due to your failure to provide any information in relation to the documents which you have been able to identify as being relevant to my request, it is difficult for me to comply with your request to prioritize or narrow the categories of documents I have requested.

If you are able to provide me with a detailed description of the documents you have identified which are relevant to my request, I will see if I can revise my view both as to narrowing the request or to prioritizing it. The more complete the descriptions of any category of

documents which you have identified as relevant to my request, the more likely that I will be able to provide a helpful response.

This offer to try to narrow or prioritize my request is made subject to an important proviso. I am not convinced that the exercise of seeking to narrow or to prioritize the documents requested is consistent with working with the "utmost efficiency" since the very act of listing, categorizing and describing the documents you have identified and then awaiting my reaction to that list will necessarily take time. Accordingly, please confirm that the process of complying with my request will not be slowed down or diverted by my reply to your letter of 26 January 2009."

25. The Respondent did not inform the Applicant of the steps that had been taken to date in relation to his application, nor did the Respondent provide any description of the documents at issue so that Applicant could "narrow or prioritize" his request. Instead, on 4 March 2009, Mr Maes replied:

"Please note that the assessment of the documents identified as falling within the scope of your request is currently still ongoing and no final decision on disclosure of these documents has been taken yet.

Please also note that the review procedure of a request for access to documents as laid down in Article 8 of Regulation 1049/2001 and carried out by the office of the Secretary General of the Commission involves a new, full and independent assessment of the request and the documents concerned.

Since you did not narrow down the scope of your request, we will need an extended time limit to assess all the requested documents. A preliminary analysis shows that your request covers several hundreds of documents. It is obvious that such a task cannot be carried out within the normal time frames laid down in the Regulation. We aim to take a final position on your request ultimately by the end of April 2009. We consider that this constitutes a fair solution within the meaning of Article 6(3) of Regulation 1049/2001."

A copy of the 4 March 2009 letter is attached as Exhibit [A7].

26. On 29 April 2009, Mr Legris, Head of Unit for the Respondent wrote to the Applicant stating:

"In our letter of 4 March 2009 we indicated that, given the very large amount of documents concerned by your request, we would not be able

to handle your request within the normal time limits of Regulation 1049/2001. We informed you – on the basis of Article 6(3) of the Regulation – that we aimed to provide you with a final reply to your request ultimately by the end of April 2009.

With this letter we would like to inform you on the status of the handling of your confirmatory request. We are pleased to inform you that the analysis of the requested documents has been completed. However, some additional time is needed to formalize the reply and to prepare the accompanying documents. We will therefore provide you with a final reply to your confirmatory request ultimately on Friday 15 May 2009."

A copy of the 29 April 2009 letter is attached as Exhibit [A8].

27. On 18 May 2009, the Respondent sent the Applicant a CD containing a number of documents, many of which had been heavily, if not almost completely, redacted. The Respondent also sent one hard copy document. The CD and single hard copy document arrived at the Applicant's office on 24 May 2009. There was no cover letter or list of documents which ought to have been prepared by the Respondent pursuant to Regulation 1049/2001. A copy of the documents found on the CD and hard copy document received by the Applicant from the Respondent on 24 May 2009 is attached as Exhibit [A9].
28. On 5 July 2009, the Applicant wrote to the Respondent and set out in an Appendix a list of documents which appeared to have been withheld by the Respondent. The Applicant also requested documents in unredacted form. A copy of the letter dated 5 July 2009 is attached as Exhibit [A10].
29. On 31 July 2009, Mr Nymand-Christensen of the Secretariat-General of the Respondent wrote to the Applicant and stated that the reasons for the refusal to provide access to all the documents responsive to the Applicant's application were set out in the Respondent's letter of 15 May 2009. As stated in paragraph 27 above, the Applicant did not receive a letter from the Respondent dated 15 May 2009 with the CD and documents he received on 24 May 2009. A copy of the letter dated 31 July 2009 is attached as Exhibit [A11].

30. In addition, in the letter dated 31 July 2009, the Respondent claimed several of the requested documents “were not signed in the period 2006-2008; therefore, they did not fall within the scope of the request” and that some of the projects were not funded under PfP or EIDHR. The Respondent did not specify in which years these projects were signed nor did it specify under which program these projects were funded. In any event, the Applicant’s request asked for documents dating back to 2005, not 2006, and according to the information available to the Applicant, all projects for which documents were requested, fell under either PfP or EIDHR.
31. On 19 October 2009, the Applicant by electronic and registered mail requested a copy of the Respondent's letter of 15 May 2009. A copy of the letter dated 18 October 2009 is attached as Exhibit [A12]. As stated below, a response was received on 22 November 2009 attaching an email from the Respondent to the Applicant dated 15 May 2009.
32. On or about 10 November 2009, the Applicant discovered in Respondent’s database on its website that there were additional grants awarded to Israeli and Palestinian NGOs in 2008 about which it had previously been unaware. No documentation was provided regarding these grant recipients even though this information should have been provided in response to the Applicant’s request for documents.
33. In a letter from the Respondent dated 15 May 2009 and received by the Applicant on 22 November 2009 for the first time, the Applicant received details of:

" the categories of documentsidentified on the basis of [his] confirmatory request...

- i. 208 Proposal evaluation grids concerning 104 winning projects... the direct grant request and decision of 1 project under the PfP programme;*

- ii. *11 Evaluation reports/funding decisio;*
- iii. *8 Result Oriented Monitoring (ROM) Reports;*
- iv. *6 Financial audits/expenditure verifications concerning projects funded under the ...EIDHR and Pfp programmes ".*

However, the Respondent refused to disclose to the Applicant redacted parts of documents on the ground set out in Article 4(1)(a) first indent of Regulation 1049/2001 that "disclosure would undermine the protection of the public interest as regards public security". In addition, Respondent claimed disclosure would implicate "privacy" and "commercial interests". No evidence or information was provided in support of these purported reasons. The Respondent also claimed to enclose "a list of 105 projects which received EC funding" with this 15 May 2009 letter, yet there was no enclosure included. For these reasons, the Applicant seeks annulment of the decision of the Respondent of 15 May 2009 ("the contested decision").

A copy of the letter dated 15 May 2009 and received by the Applicant on 22 November 2009 is attached as Exhibit [A13].

34. The Applicant claims that the reasons provided by the Respondent for non disclosure are not applicable and in any event are outweighed by the "overriding public interest in disclosure."

VII. Pleas in Law

A. Infringement of Article 2 of Regulation 1049/2001

35. The Applicant repeats and realleges each allegation in paragraphs 1 to 34 hereof, as though fully set forth herein.

36. Pursuant to Article 2 (1) of Regulation 1049/2001, "[a]ny citizen of the Union . . . has a right of access to documents of the institutions"

37. On 23 October 2008, the Applicant requested documents "relating to funding decisions for grants to Israeli and Palestinian NGOs for the past 3

years under PfP [the Partnership for Peace] and EIDHR [European Instrument for Democracy and Human Rights] programs.”

38. By not providing access to these documents, the Respondent acted in violation of Article 2 of Regulation 1049/2001.

B. Infringement of Article 4 of Regulation 1049/2001

39. The Applicant repeats and realleges each allegation in paragraphs 1 to 38 hereof, as though fully set forth herein.

40. Pursuant to Article 4 of Regulation 1049/2001, access to documents shall be refused only “where disclosure would undermine the protection of . . . public security, defence and military matters, international relations, financial monetary or economic policy . . . [or] privacy and the integrity of the individual . . . unless there is an overriding public interest in disclosure.”

41. By not providing access to these documents the Respondent acted in violation of Article 4 of Regulation 1049/2001.

42. The Applicant’s request does not give rise to a basis for reliance upon any of the exceptions in Article 4 and no argument, facts or evidence have been provided which support reliance on any of those exceptions.

43. Even if the exceptions did apply (which is not admitted), the process by which tens of millions of Euros in public funds are provided to NGOs and civil society organisations concerned in the Arab-Israeli conflict creates an “overriding public interest in disclosure.” The Respondent has acted in violation of Article 4 of Regulation 1049/2001 in refusing to provide disclosure of the documents sought.

C. Infringement of Article 7 of Regulation 1049/2001

44. The Applicant repeats and realleges each allegation in paragraphs 1 to 43 hereof, as though fully set forth herein.

45. Pursuant to Article 7 of Regulation 1049/2001, an “application for access to a document shall be handled promptly . . . within 15 working days from registration of the application, the institution shall either grant access to the document requested....”
46. The Respondent took almost six months to respond to the Applicant’s confirmatory application despite the fact that Regulation 1049/2001 required the Respondent to provide a response within 15 working days of the request. The rejection of the Applicant’s initial request was issued on 21 November 2008. Nothing in that rejection by the Respondent indicated that any further time was needed to identify documents falling within the scope of the Applicant’s request.
47. Indeed, since a broad range of reasons were stated in Mr. Duynhouwer’s letter of 21 November 2009 as the basis for the refusal, it is to be inferred that the documents at issue must have been identified and examined in order to reach the decision to reject the request, however erroneous that decision might have been.
48. However, in the Respondent’s letter of 5 January 2009 the Respondent indicated that “we have not yet identified all documents that would fall within the scope of your request and are therefore not in a position to carry out a proper analysis of the requested documents.”
49. On 26 January 2009, the Respondent again claimed that “due to the fact that your request concerns hundreds of documents . . . the assessment of such a large number of documents cannot be done within the ordinary time limits of Regulation 1049/2001.”
50. And again on 4 March 2009, the Respondent stated that “the assessment of the documents identified as falling within the scope of your request is

currently still ongoing and no final decision on disclosure of these documents has been taken yet.”

51. It appears, therefore, that the 21 November 2009 decision by the Respondent to reject the Applicant’s request was made prior to examination of the documents to which the Applicant was seeking access. The Respondent failed to take into consideration information – the contents of the relevant documents – which should have been taken into consideration before reaching its decision. As such the decision by the Respondent is flawed and should be set aside.

52. By not carrying out an examination of the requested documents, the Respondent acted in violation of Article 7 of Regulation 1049/2001.

D. Infringement of Article 8 of Regulation 1049/2001

53. The Applicant repeats and realleges each allegation in paragraphs 1 to 52 hereof, as though fully set forth herein.

54. Pursuant to Article 8(1) of Regulation 1049/2001, a “confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the institution shall either grant access... or state the reasons for the total or partial refusal.”

55. Under Article 8(2), Regulation 1049/2001 states that “in exceptional cases... the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance.”

56. The Respondent took almost six months to respond to the Applicant’s confirmatory application. On 4 March 2009, the Respondent claimed it would “take a final position on your request ultimately by the end of April 2009. On 29 April 2009, the Respondent stated that “some additional time is needed to formalise the reply and to prepare the accompanying documents.

We will therefore provide you with a final reply to your confirmatory request ultimately on Friday 15 May 2009.”

57. As noted at paragraph 41, above, the Applicant did not receive a reply from the Respondent until 24 May 2009 when the Applicant received a CD containing a number documents most of which were significantly redacted and one hard copy document. No explanation for the redactions was provided. There was no cover letter or list of documents which ought to have been prepared by the Respondent pursuant to Regulation 1049/2001.
58. By not carrying out an examination of the requested documents “promptly” as defined by Article 8(1), the Respondent acted in violation of Article 8 of Regulation 1049/2001.
59. The Applicant will refer to European case law including the Advocate General's opinion in *Interporc Im – und Export GmbH v Commission of the European Communities* Case C-41/00P delivered on 12 March 2002. At paragraph 92 the Court stated that the aim of Decision 94/90

“...is to provide the public with the widest possible access to documents held by the Commission, so that any exception to that right of access must be interpreted and applied strictly.”

The Applicant will also rely inter alios on the Joined Cases C-174/98 P and C189/98 P *Netherlands and Van der Wal v Commission* [2000] ECR I-1.

VIII. PROFESSOR STEINBERG claims from the EUROPEAN COMMISSION of the EUROPEAN UNION:

- A. Annulment of the contested decision made by the Respondent.
- B. The disclosure within 15 days of all documents specified in the attached Exhibit [A14].
- C. An award for costs.

D. Any other relief which the Court deems appropriate.

Dated: 18 January 2010
Jerusalem, Israel

ASSERSON LAW OFFICES

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SCHEDULE OF DOCUMENTS

- 1) Initial request by the Applicant to the Respondent dated 23 October 2008;
- 2) Letter from Mr Duynhouwer, Head of the Unit of the EuropeAid Co-operation Office of the Respondent, to the Applicant dated 21 November 2008;
- 3) Letter from the Applicant to the Respondent dated 27 November 2008;
- 4) Letter from Mr Maes, Deputy Head of the Unit of the Secretary General of the Respondent, to the Applicant dated 5 January 2009;
- 5) Letter from Mr Maes of the Respondent to the Applicant dated 26 January 2009;
- 6) Letter from the Applicant to the Respondent dated 5 February 2009;
- 7) Letter from Mr Maes of the Respondent to the Applicant dated 4 March 2009;
- 8) Letter from Mr Legris, Head of Unit for the Respondent to the Applicant dated 29 April 2009;
- 9) Copy of the CD and documents received by the Applicant from the Respondent on 24 May 2009;
- 10) Letter from the Applicant to the Respondent dated 5 July 2009;
- 11) Letter from Mr Nymand-Christensen of the Secretariat-General of the Respondent to the Applicant dated 31 July 2009;
- 12) Letter from the Applicant to the Respondent dated 19 October 2009;
- 13) Letter from the Respondent to the Applicant dated 15 May 2009 received on 22 November 2009;
- 14) List of documents sought by the Applicant;
- 15) Letter dated 24 September 2008 to the Applicant from John Kjaer Representative and Robert Krenzel Charge d'Affaires a.i. of the Delegation of the Respondent to the State of Israel;
- 16) Email dated 25 October 2008 to the Applicant from Mr Dickinson, Head of Operations European Commission Technical Assistance Office for the West Bank and Gaza Strip;
- 17) EU Code of Conduct concerning public access to Council and Commission documents (OJ 1993 L 340/41);

- 18) EU Council Decision 93/731/EC of 20 December 1993 on public access to documents OJ 1993 L340/43;
- 19) Current Practising Certificate of Trevor Richard David Asserson from the Law Society of England & Wales;
- 20) Letter from the Applicant to Asserson Law Offices confirming that they are his lawyers for the purposes of this Application; and
- 21) UK birth certificate of Professor Gerald Steinberg.