EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.F.4/

Mr [redacted]

By e-mail with acknowledgement of receipt:
[redacted]

Subject: Your application for access to documents – EASE 2026/4751

Dear Mr [redacted]

I refer to your request for access to European Commission documents registered on 19 September 2026 under the above-mentioned reference number.

1. SCOPE OF YOUR REQUEST

By means of your request, you seek access to: "the following documents concerning the Polish national programme under the Asylum, Migration and Integration Fund, CCI 2021PL65AMPR001:

1. The agreed minutes of every review meeting held in respect of that programme, drawn up pursuant to Article 41(5) of Regulation (EU) 2021/1060, together with the documents submitted by the Commission or by Poland for the purposes of those meetings. I am aware that, under Article 41(2), review meetings for programmes supported by the AMIF are organised at least twice during the programming period rather than annually.

2. Any information transmitted by Poland to the Commission under Article 41(6) of that Regulation on the measures taken in follow-up to issues raised at those meetings.

3. Any observations, assessment or request for clarification addressed by the Commission to Poland in relation to the annual performance reports submitted for that programme under Article 35 of Regulation (EU) 2021/1147, in particular as regards the indicators reported for the specific objective covering legal migration and integration.

4. Any document recording consideration by the Commission, in the exercise of the power conferred by Article 33(5) of Regulation (EU) 2021/1147, of an amendment to Annex VIII adding an indicator on the duration of residence procedures or of any other administrative procedure supported by the Fund, including any preparatory or consultative document and any document recording a decision not to propose such an amendment.

This application does not seek documents forming part of any pre-infringement or infringement proceedings, nor any document relating to a complaint. It is confined to the programme monitoring documents identified above.

If the Commission considers that any of these documents is covered in part by an exception under Article 4, I ask for partial access under Article 4(6) rather than a refusal in full, and I ask to be informed which parts have been withheld and on what ground.

Applicant's standing. I am a national of Ukraine residing lawfully in Poland. I therefore exercise the right of access conferred by Article 2(1) of the Regulation on any natural person residing in a Member State.

Reason for the request, offered voluntarily in the awareness that Article 6(1) does not require it: I have obtained from the Polish Managing Authority the four annual performance reports submitted for this programme under Article 35, covering January 2021 to June 2025. None of them records how long residence procedures take, although the same reports state that support was directed primarily to the Office for Foreigners, the Border Guard and the voivodeship offices in order to strengthen their capacity. The rules of the 2026 call for those offices, by contrast, use "the average duration of proceedings in the voivodeship office" as one of the keys for dividing the allocation between regions - so the figure exists and is used to distribute the money but is not reported as a result.

I would like to establish whether this was raised in the monitoring dialogue between the Commission and Poland, and whether the Commission has considered using Article 33(5), whose exercise is limited in time by Article 37(2), to add such an indicator to Annex VIII".

2. IDENTIFICATION OF DOCUMENTS

The following documents have been identified as falling within the scope of your request:

1. Observations on the Annual Performance Reports submitted in 2023 – AMIF, BMVI and ISF – Poland, Ares(2024)2776624
2. Observations on the Annual Performance Reports submitted in 2025 – AMIF, BMVI and ISF – Poland, Ares(2025)5882431
3. Observations on the Annual Performance Report submitted in 2026 AMIF – Poland, Ares(2026)3849605

3. NO DOCUMENTS HELD

I regret to inform you that for your sub-requests under points 1, 2 and 4, the Commission does not hold any documents that would correspond to the description given in your application.

In the context of your sub-requests 1 and 2, I would like to inform you that no Performance Review meeting has been held yet between the European Commission and the Polish authorities, following Article 41(5) of Regulation (EU) 2021/1060. Consequently, there is no information transmitted on potential measures taken as a follow-up to issues raised.

Similarly, in reference to your sub-request under point 4, there is no document held by the Commission. No documents or discussions have been held so far in the current programming period in terms of indicators on the duration of residence procedures, following Article 33(5) of Regulation (EU) 2021/1147.

As specified in Article 2(3) of 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 (hereafter 'Regulation (EC) No 1049/2001') ([1]), the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, I am not in a position to fulfil these sub-requests.

([1]) OJ L 145, 31.5.2001, p. 43; ELI: http://data.europa.eu/eli/reg/2001/1049/oj.

4. ASSESSMENT OF THE IDENTIFIED DOCUMENTS

Having examined the identified documents under the provisions of Regulation (EC) No 1049/2001, and taking into account the views expressed of the consulted third party, I have come to the conclusion that documents 1, 2 and 3 can be partly disclosed.

While the observations letters sent to the Polish Managing Authority on the Annal Performance Reports submitted (the documents identified) originate from the European Commission, the observations raised in these letters refer solely to the content of the Annual Performance Reports that the Polish Managing Authority has drafted.

Despite your mention that the Annual Performance Reports for AMIF have been granted to you by the Polish Managing Authority, it was considered necessary to confirm that the Polish authorities do not object to the indirect disclosure to the public of their Annual Performance Reports' content.

Therefore, the Polish Managing Authority has been consulted in accordance with to Article 4(4) of Regulation (EC) No 1049/2001, according to which "[a]s regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or *shall not be disclosed*".

The consulted party has agreed to their partial disclosure, subject to data protection redactions.

Indeed, a complete disclosure of documents 1, 2 and 3 is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Article 4(1)(b) Regulation (EC) No 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation *regarding the protection of personal data*".

Article 9(1)(b) of the Regulation (EU) 2018/1725 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ([2]) does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the

([2]) OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj.

individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Furthermore, I would like to highlight that certain parts of the disclosed documents have been redacted since the information provided falls beyond the scope of your request as formulated in your application. Consequently, any matter not strictly related to the AMIF programme and in particular, to the indicators reported for the specific objective covering legal migration and integration has been redacted, with all cases of redaction for this specific reason appearing clearly in the documents by mentioning 'out of scope' on the redacted parts.

In the light of the above, please find enclosed documents 1, 2 and 3 in a redacted format, from which the protected or out of scope information has been removed.

Disclaimer:

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents ([3]). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

5. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EU) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal ([4]) account (available only for initial requests submitted via the portal account),

or by mail:

European Commission
Secretariat-General
Document Management & Access to Documents (SG.A.2)
BERL 7/DCS
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

([3]) OJ L 330, 14.12.2011, p. 39, ELI: http://data.europa.eu/eli/dec/2011/833/oj.

([4]) https://www.ec.europa.eu/transparency/documents-request

6. ACKNOWLEDGMENT OF RECEIPT

Finally, I note that your request has been submitted outside the EASE portal. Therefore, I would appreciate, if you could acknowledge receipt of the present letter by sending an email to HOME-ACCESS-DOCUMENTS@ec.europa.eu.

Yours sincerely,

Beate GMINDER

Enclosure: 3 Documents

Electronically signed on 23/10/2026 17:54 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121