

## Case T-106/99

Karl L. Meyer

v

### Commission of the European Communities

(Inadmissibility — Challengeable measure — Access to the documents of the institutions — Distinction between information and a document)

Order of the Court of First Instance (Third Chamber), 27 October 1999 . . . II - 3275

#### Summary of the Order

1. *Actions for annulment — Actionable measures — Meaning — Acts producing binding legal effects — Commission letter refusing a request for information on certain interest rates — Not covered*  
(EC Treaty, Art. 173 (now, after amendment, Art. 230 EC))
2. *Commission — Right of public access to Commission documents — Decision 94/90 — Distinction between documents and information — Whether the Commission is under an obligation to reply to any request for information from an individual — No such obligation*  
(Commission Decision 94/90)

1. Only measures which produce binding legal effects so as to affect the interests of an applicant by bringing about a distinct change in his legal position are acts or decisions which may be the subject of an action for annulment under Article 173 of the Treaty (now, after amendment, Article 230 EC). That is not the position in the case of a letter from the Commission refusing a request for information on the rates of interest applied by the European Investment Bank to loans intended to finance projects for the economic development of French Polynesia, since the information sought appears in measures adopted by the Council and published in the *Official Journal of the European Communities*. There is no provision of Community law requiring the Commission to reply to a request, emanating from a person established in the territory of a Member State or of the overseas countries and territories, for identification of the relevant passages of Community legislation.
2. It is necessary, for the purposes of applying Decision 94/90 on public access to Commission documents, to maintain a distinction between the concept of a document and that of information. None of the provisions in Decision 94/90 or in the code of conduct annexed to it deal with the right of access to information; the right concerned relates exclusively to documents. In the preamble to Decision 94/90 there is a lone recital which refers to the Declaration on the Right of Access to Information annexed to the Final Act of the Treaty on European Union. That reference, which is not the subject of any further explanation, cannot confer a new meaning on the term 'document', which is used several times in Decision 94/90. It cannot therefore be inferred from Decision 94/90 that the public's right of access to a Commission document implies a duty on the part of the Commission to reply to any request for information from an individual.