



EUROPEAN COMMISSION

Brussels, 03.06.2026
C(2026) 3937 final

Mr Alexandre Baikalov

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 11 OF THE
DETAILED RULES FOR THE APPLICATION OF REGULATION (EC) No 1049/2001,
ANNEXED TO THE RULES OF PROCEDURE OF THE COMMISSION¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 – EASE 2026/0958**

Dear Mr Baikalov,

I refer to your correspondence of 30 March 2026, in which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter ‘Regulation (EC) No 1049/2001’).

1. SCOPE OF YOUR REQUEST

On 12 February 2026, you submitted a request for access to:

‘documents concerning the alleged inclusion of the Mărculești airfield instead of Balti-Leadoveni International Airport (Republic of Moldova) in any European Union “growth plan”, infrastructure programme, macro-financial assistance framework, pre-accession instrument, or other EU-supported development initiative and generally EU-supported infrastructure, connectivity, transport, growth, or investment framework.

Specifically, [you] request access to:

1. ‘Any documents, decisions, communications, internal notes, correspondence (including with Moldovan authorities), assessments, memoranda, or approvals indicating whether the European Commission authorised, endorsed, financed, co-

¹ Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614 (OJ L, 2024/3080, 5.12.2024, ELI: <http://data.europa.eu/eli/dec/2024/3080/oj>).

² OJ L 145, 31.5.2001, p. 43.

financed, or otherwise approved the inclusion of the Mărculești airfield in any EU plan, growth plan, transport connectivity framework, investment programme, or similar initiative concerning the Republic of Moldova.

2. Any formal decision, approval, or endorsement by the European Commission (or its Directorates-General), the European External Action Service, the EU Delegation to the Republic of Moldova, the European Investment Bank, or the European Bank for Reconstruction and Development confirming that such an airport project forms part of an official EU growth or investment plan.
3. Any feasibility studies, impact assessments, technical evaluations, environmental assessments, or financial analyses prepared, commissioned, reviewed, or referenced by EU institutions in connection with Mărculești International Airport and the choice made in its favour instead of Balti-Leadoveni International Airport.
4. Any correspondence between the European Commission and the Government of the Republic of Moldova referring to the classification of the Mărculești airport project as part of an “EU Growth Plan” or similar EU-backed development instrument instead of Balti-Leadoveni International Airport.
5. If such authorisation, endorsement, or approval exists, [you] request access to:
 - The comparative feasibility study or studies;
 - Comparative technical, economic, financial, environmental, or safety assessments;
 - Comparative cost–benefit analyses;
 - Comparative due diligence reports; or comparative impact assessments;
 - Any comparative assessment evaluating Mărculești airfield in relation to alternative infrastructure options, including Bălți-Leadoveni International Airport;
 - Any documentation justifying the allocation or planned allocation of EU funds to Mărculești airfield instead of Bălți-Leadoveni International Airport.

For clarity, this request covers documents in any form (electronic or paper), including emails and annexes, held by the Commission. The announcement purporting that Marculesti airfield would be included in the EU Growth Plan for Moldova was made here:

<https://www.facebook.com/ads/library/?id=1496491248236449> by a group of civic initiative, which did not answer to [your] requests on 15 and 17 November 2025.

If no such documents exist, [you] kindly request explicit confirmation that the European Commission has not approved, adopted, or formally endorsed any project concerning Mărculești International Airport as part of an EU Growth Plan or equivalent initiative, and is not planning to allocate EU funds to such "initiative".

Your application was attributed to the Directorate-General for Enlargement and the Eastern Neighbourhood (hereafter ‘DG ENEST’), who replied on 30 March 2026 that it

did not hold any documents that would correspond to the description given in your application.

As a preliminary remark, the Secretariat-General notes that the request for access to documents drafted or held by the European Investment Bank and by the European Bank for Reconstruction and Development shall be addressed directly to these institutions.

Concerning the documents drafted or held by the Commission, at the initial level, given that different EU policies could have been relevant for such a project ('alleged EU Growth Plan Project (Mărculești Airport, Republic of Moldova)'), DG ENEST consulted the Directorate-General for Mobility and Transport (hereafter 'DG MOVE'), as well as the EU Delegation in Moldova, for a possible identification of the documents requested: However no documents relevant to such a project and falling into the scope of your application were found.

In your confirmatory application, you explained that your request was addressed to 'the European Commission as a whole and explicitly concerned any documents held by the Commission in any of its services, including, but not limited to:

1. Directorate-General for Mobility and Transport (DG MOVE),
2. Directorate-General for International Partnerships (DG INTPA),
3. Secretariat-General,
4. Service for Foreign Policy Instruments,
5. and any other relevant Commission service involved in external relations, infrastructure, transport, or investment frameworks concerning the Republic of Moldova' and 'also referred to possible interactions with or documents involving:
 1. the EU Delegation to the Republic of Moldova,
 2. the European External Action Service (EEAS),
 3. and EU-supported financial institutions where relevant to Commission-held documents.'

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a review of the reply given at initial stage.

Such a review also covers the identification of documents held by the Commission and falling within the scope of the application. Against this background, the Secretariat-General has carried out a renewed search for the documents requested within the European Commission.

Following the review by the Secretariat-General of the reply from DG ENEST to your initial application, the Secretariat-General confirms that the Commission does not hold any documents falling within the scope of your application.

Please note that the loans supplementing the state budget of Moldova are related to the implementation of the reforms from the Reform Agenda; twice a year Moldova provides proof they have implemented reforms from that Agenda.

The Commission does not approve/endorse the particular points of implementation of the Growth Plan, except in case of investment projects or complementary support (technical assistance or support to civil society, for example), in which case, the Commission is involved in the decision-making process. However, the Mărculești Airport is not part of the list of investments supported by the Commission financing instruments and therefore the Commission holds no documents concerning the airport in question.

The Secretariat-General has performed new research for documents requested through the Commission document management system ARES³, which is the Commission and certain other EU institutions' official electronic repository of electronic records in the sense of Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives⁴.

The research was performed using the keywords 'Mărculești', 'Marculesti', 'Moldova airport', without a limitation in time; the research encompassed all Directorates-General of the Commission, including the Secretariat-General, the Service for Foreign Instruments (FPI) and the European External Action Service (EEAS). No documents registered in the above-mentioned registration system were found that correspond to the documents requested.

Pursuant to the above-mentioned research and consultations, the Secretariat-General confirms that no documents are held by the Commission that correspond to the descriptions given in your application for access.

With regard to the above, the Secretariat-General would like to recall that in line with Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

In addition, the Court of Justice stated in its judgment in Case C-127/13 P (*Strack v Commission*), that '[n]either Article 11 of Regulation 1049/2001 nor the obligation of assistance in Article 6(2) thereof, can oblige an institution to create a document for which it has been asked to grant access, but which does not exist'⁵.

The above-mentioned conclusion was confirmed in Case C-491/15 P (*Typke v Commission*), where the Court of Justice held that 'the right of access to documents of the institutions applies only to existing documents in the possession of the institution concerned and [...] Regulation 1049/2001 may not be relied upon to oblige an institution to create a document which does not exist.

³ ARES – Advanced Record System.

⁴ OJ L 430/30, 2.12.2021.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D2121&qid=1750500317831>

⁵ Judgment of the Court of Justice of 2 October 2014, *Strack v Commission*, C-127/13 P, ECLI:EU:C:2014:2250, paragraph 46.

It follows that, [...], an application for access that would require the Commission to create a new document, even if that document were based on information already appearing in existing documents held by it, falls outside the framework Regulation No 1049/2001⁶.

In this respect, the General Court held in Case T-468/16 (*Verein Deutsche Sprache v Commission*) that there exists a presumption of lawfulness attached to the declaration by the institution asserting that documents do not exist⁷. This presumption continues to apply unless the applicant can rebut it by relevant and consistent evidence⁸. The Court of Justice, ruling on an appeal in Case C-440/18 P, has confirmed these conclusions⁹.

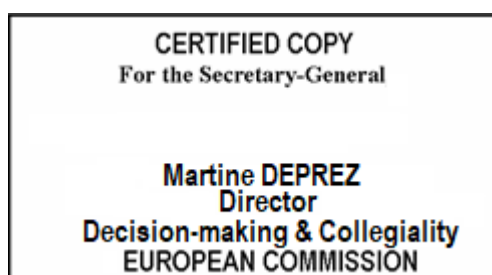
Given that the European Commission does not hold any document corresponding to the description given in your application, it is not in a position to satisfy your confirmatory request under Article 7(2) of Regulation (EC) No 1049/2001.

3. MEANS OF REDRESS

I draw your attention to the means of redress available against this decision. You may institute proceedings against the Commission before the General Court or submit a complaint to the Ombudsman. The conditions for doing so are laid down in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

For the Commission
Ilze JUHANSONE
Secretary-General



⁶ Judgment of the Court of Justice of 11 January 2017, *Typke v Commission*, C-491/15 P, ECLI:EU:C:2017:5, paragraph 31.

⁷ Judgment of the General Court of 23 April 2018, *Verein Deutsche Sprache v Commission*, T-468/16, ECLI:EU:T:2018:207, paragraphs 35-36.

⁸ *Ibid.*

⁹ Order of the Court of Justice of 30 January 2019, *Verein Deutsche Sprache v Commission*, C-440/18 P, ECLI:EU:C:2019:77, paragraph 14.