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SECRETARIAT-GENERAL

Directorate B
SG-B-4
Transparency

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Mr Karsten GERLOFF
President

Free Software Foundation Europe

By e-mail only: ask+request-1139-ef6d72ee@asktheeu.org

Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2014/276

Dear Mr Gerloff,

I refer to your e-mail of 19 March 2014, registered on 20 March 2014, by which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ ("Regulation 1049/2001").

I note that you did not specify in your confirmatory application which documents are covered by your request for review. On the basis of your submissions, we understand that you wish to challenge the position taken by the Directorate-General Informatics (DIGIT) as regards the following documents:

- (1) In Category A (one document): the orientation document for negotiated procurement procedures with Microsoft (DIGIT/R2/PN/2013/065 and DIGIT/R2/PN/2013/068), dated 24 September 2013.
- (2) In Category C (one document): the invitation to Microsoft to submit an offer, dated 12 November 2013.

¹ Official Journal L 145 of 31.5.2001, p. 43.

(3) In Category D (two documents):

- Appointment of Opening Board and Evaluation Committee, dated 4 December 2013.
- Amendment to the appointment of Evaluation Committee, dated 7 January 2013.

In its initial reply, DG DIGIT informed you that Category C consists of five documents. In addition to the one referred to above, there are four more letters, which constitute exchanges between the Commission and Microsoft about the latter's request to postpone the deadline for its submission. Given that you have not provided any comments as regards these documents, we understand that they do not fall within the scope of the present confirmatory request.

Your confirmatory application is currently being handled and the Commission is analyzing the above-listed four documents. Unfortunately, we have not yet been able to complete the analysis of your request in order to take a final decision and, therefore, we are not in a position to reply to your request within the prescribed time limit expiring on 10 April 2014. Consequently, we have to extend this period by another 15 working days in accordance with Article 8(2) of Regulation 1049/2001. The new deadline expires on 6 May 2014.

Yours sincerely,



Martin Kröger
Head of Unit