



**EUROPEAN COMMISSION**  
**HEALTH AND CONSUMERS DIRECTORATE-GENERAL**

**Director-General**

Brussels,

Dear Mr McLaren,

**Subject: Your application for access to documents – Ref GestDem No 2013/6192**

We refer to your e-mail dated 05/12/2013 in which you make a request for access to documents, registered on 09/12/2013 under the above mentioned reference number.

Further to our reply of 13/02/2014 in which we provided you with a list of identified documents as well as most of the documents, we inform you that we have received the reply also from the last third party regarding documents 40 and 41 in the Annex I of our previous reply.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4(2) first indent<sup>1</sup> of this Regulation. These documents contain information about a new company trying to enter the market. If this information is disclosed to potential competitors, it would seriously undermine the legitimate business interests of the company concerned.

We have considered whether partial access could be granted to the documents requested. However, disclosing the remaining parts, after expunging the confidential information, would be meaningless.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

As the correspondence at issue concerns exclusively an individual case, there is no public interest in making the documents public.

**Neil McLaren**

[ask+request-1067-fc33dfd9@asktheeu.org](mailto:ask+request-1067-fc33dfd9@asktheeu.org)

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<sup>1</sup> "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, ... unless there is an overriding public interest in disclosure."

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-5  
BERL 5/327  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Paula Testori Coggi', followed by a small flourish or mark.

Paula Testori Coggi