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By registered mail:

Mr Olivier HOEDEMANN

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Subject: Your request for access to documents registered under number Gestdem 2014/2012

Dear Mr Hoedeman,

I refer to your e-mail of 27 May 2014, by which you introduced, pursuant to Article 7(2) of Regulation 1049/2001 on access to European Parliament, Council and Commission documents¹, a confirmatory request for access to documents concerning

- *"[t]he letter from Swedish Match to the European Commission dated 14 May 2012 (on the Dalli case).*

As you were informed in the context of the initial reply to your present request and to your previous request GESTDEM 2013/243, the said document forms part of an OLAF administrative investigation file.

In this context I would like to draw your attention to Article 4 of the Commission's implementing rules for the application of Regulation (EC) 1049/2001 of the European

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, Official Journal L145, 31.05.2001, p. 43.

Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter 'the Implementing Rules')² which provides as follows:


'In accordance with Article 14 of the Commission's Rules of Procedure, the power to take decisions on confirmatory application is delegated to the Secretary-General. However, where the confirmatory application concerns documents concerning OLAF activities referred to in Article 2(1) and (2) of Decision 1999/352/EC, ECSC, Euratom, the decision-making power is delegated to the Director of OLAF'.

This provision establishes clearly that, where the confirmatory application concerns documents concerning OLAF investigation activities, the decision thereon is taken by the Director of OLAF.

Consequently, your confirmatory application has been transferred to OLAF for treatment.

For any further information that you may require concerning this issue, you can write to OLAF's functional mailbox: OLAF-RAD@ec.europa.eu

Yours sincerely,


Martin Kröger
Head of Unit

² Official Journal L 345 of 29.12.2001, p. 94.