



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 03.06.2013
SG.B.5/MM/rc –
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Mr Olivier Hoedeman
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By email only to:

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**Subject: Confirmatory applications for access to documents
Ref. GestDem 2013/1680 and 2013/1682**

Dear Sir,

I am responding to your two confirmatory applications submitted by email on 29 April 2013 through the *asktheeu* website.

1. SCOPE OF YOUR REQUEST

On 27 March 2013, you make the following requests:

GestDem No 2013/1680:

- all correspondence, all minutes of meetings and all logs (and, if available) notes) of telephone conversations between the Secretariat-General and Mr Michel Petite (whether in his role as member of the Ad Hoc Ethical Committee or in any other capacity) from 1 January 2011 onwards;

GestDem No 2013/1682:

- all correspondence, all minutes of meetings and all logs (and, if available) notes) of telephone conversations between President Barroso or his cabinet and Mr Michel Petite (whether in his role as member of the Ad Hoc Ethical Committee or in any other capacity) from 1 January 2011 onwards.

On 18 April 2013, you received a list of all documents that were identified as falling within the scope of both requests, as well as full copies of these documents.

2. GROUNDS FOR YOUR CONFIRMATORY APPLICATION

In your confirmatory application, you claim that *another search of the Commission files could result in finding additional documents that fall under [your] request.*

This claim is based on the information taken from the report of the EU Anti-fraud Office OLAF regarding the investigation leading to the resignation of Mr Dalli according to which Mr Michel Petite from Clifford Chance contacted me at the request of Swedish Match.

3. EXAMINATION AND CONCLUSIONS

I confirm that all documents falling within the scope of your applications dated 27 March 2013 and registered under reference numbers 2013/1680 and 2013/1682 were identified and disclosed with the reply of 18 April 2013.

My contact with Mr Petite, to which you refer, was a telephone call, in which Mr Petite inquired about the appropriate way for Swedish Match to bring their complaint to the attention of the Commission. There are no notes or any other documents relating to this conversation.

Consequently, your confirmatory application is devoid of purpose.

4. MEANS OF REDRESS

Finally, I draw your attention to the means of redress available against this decision. You are entitled to bring proceedings before the General Court, under the conditions of Article 263 of the Treaty on the Functioning of the European Union (TFEU), or to file a complaint with the European Ombudsman pursuant to Article 228 TFEU.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Catherine Day', with a checkmark-like flourish at the end.

Catherine Day