



European Union Agency
for Cybersecurity

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Athens, 08/12/21

Subject: Response to the confirmatory application sent via email (ENISA-IN-2021-4814) with regards to your access to documents request on 'Blue OLEx 2021'.

Dear Mr. Soesanto,

In relation to the confirmatory application you filled in on 19/11/2021 under Article 7(2) of Regulation (EC) 1049/2001, with regard to the response to your request to access 'Blue OLEx 2021' documentation, please take note of the following:

1. Article 4 (4) of Regulation (EC) 1049/2001 provides that: "As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable[..]."
2. The requested documents are owned by EU CyCLONe group; thus they are *third-party documents*. In accordance with the abovementioned provision, the European Union Agency for Cybersecurity followed the EU CyCLONe group's instruction not to disclose them. This restriction is based on article 4 (1) of Regulation (EC) 1049/2001, due to the sensitive nature of the information that, according to the EU CyCLONe group, these documents contain.
3. ENISA is not in a position to judge or to act contrary to the explicit instruction of the documents' owner.
4. In relation to the qualification of the documents as containing sensitive information, we would like to underline that we are not referring to the definition provided in Article 9(1) of the Regulation (EC) 1049/2001 and in that sense, the abovementioned provision is not applicable.

Kind regards,

ENISA ACCESS TO DOCUMENTS

