



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
TAXATION AND CUSTOMS UNION

The Director-general

Brussels, **13. 01. 2014**  
Taxud R2/SV – ARES(2013)3986634

Mrs Mollie Sitkowski

ask+request-1040-  
307997e4@asktheeu.org

Dear Mrs Sitkowski,

**Subject: Your application for access to documents – Ref GestDem No 2013/6237**

I acknowledge receipt of your message dated 10 December 2013 in which you make a request for access to documents as follows: “*PLPL-WIT-2013-00616*”.

Following your request we identified the following document: “*PL-WIT-2013-00616 – BTI decision and BTI application*».

For your information, please note that a public version of the valid BTI decisions is available on the website of the European Commission at the following address: [http://ec.europa.eu/taxation\\_customs/dds2/ehti/ehti\\_consultation.jsp?Lang=en](http://ec.europa.eu/taxation_customs/dds2/ehti/ehti_consultation.jsp?Lang=en).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed. Some parts of the documents have been blanked-out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Parts of the requested documents contain commercial information on products discussed in this document. Such information has been expunged as its disclosure would undermine the commercial interest the third party concerned in accordance with the first indent of Article 4(2) of Regulation 1049/2001 which reads: “*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*”.

Please note further that there is no overriding public interest in disclosure of the documents which would outweigh the need to protect the commercial interest of the third party concerned.

In case you would disagree with this decision you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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,



Heinz Zourek

Annexes: documents as listed above