



EUROPEAN COMMISSION
EUROSTAT

The Director-General

20 -02- 2014

Luxembourg,
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Mr Zois Zervos
by e-mail:
ask+request-1147-128a086f@asktheeu.org

**Subject: Contract award notice 2013/S 112-190358, financial statements
Your application for access to documents**

Reference: GestDem No 2014/330

Dear Mr Zervos,

We refer to your e-mail dated 21/01/2014 in which you make a request for access to documents, registered on 21/01/2014 under the above mentioned reference number.

Your application concerns the following documents:

In the contract award notice 2013/S 112-190358 'The development and maintenance of geographical information systems and geographical information', the following documents were requested:

1. The full set of the company accounts (two years) submitted by the first contractor
2. The parts of the tender evaluation committee report with the findings about the financial and economic standing of the first contractor
3. The full set of the company accounts (two years) submitted by the second contractor
4. The parts of the tender evaluation committee report with the findings about the financial and economic standing of the second contractor

Since documents under points 1 and 3 above originate from third parties, the originators of the documents have been consulted.

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 parties, I regret to inform you that your application cannot be granted with respect to these documents, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain contain commercially sensitive business information of the company that submitted the documents. The authors of the documents have objected to disclosure of the documents that they sent to the Commission and have motivated their position as follows:

The requested information has a commercially extremely sensitive nature and its disclosure to other economic operators or to the commercial market would undermine the protection of the commercial interests of the two legal persons that submitted it, in accordance with Article 4(2) first indent of Regulation (EC) No 1049/2001.

However, we consider that access can be granted to documents under points 2 and 4 above, which you will find enclosed.

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-4
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Walter Radermacher