

## CORSELLI-NORDBLAD Louise (ESTAT)

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**From:** CORSELLI-NORDBLAD Louise (ESTAT)  
**Sent:** 20 March 2014 16:57  
**To:** CORSELLI-NORDBLAD Louise (ESTAT)  
**Subject:** FW: access to information request - Contract award notice 2013/S 112-190358, financial statements --- Ref. Gestdem 2014/330

-----Original Message-----

From: [REDACTED]  
Sent: Monday, January 27, 2014 4:02 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: access to information request - Contract award notice 2013/S 112-190358, financial statements --- Ref. Gestdem 2014/330

Dear Mr [REDACTED]

We received and carefully read your demand for access to information regarding the contract 50501.2012.001-2012.448 (intra-muros).

However, given the fact that the requested information has a commercially extremely sensitive nature, we would prefer that Eurostat does not disclose this information to other economic operators or to the commercial market.

We remain at your disposal for any further information and we thank you to treat all Sword material with the highest degree of confidentiality.

Yours sincerely,

[REDACTED]  
Account Manager Public Sector & IT Recruiter  
Sword Technologies SA

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e [REDACTED]

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1150 Brussels  
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-----Original Message-----

From: [REDACTED]  
Sent: mercredi 22 janvier 2014 13:15

To: [REDACTED]  
Cc: [REDACTED]  
Subject: FW: access to information request - Contract award notice 2013/S 112-190358, financial statements --- Ref. Gestdem 2014/330

Dear Ms [REDACTED]

Eurostat has received a request for access to information regarding our contract 50501.2012.001-2012.448 (intra-muros). For the details, see at the bottom of this mail. More specifically:

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

According to our legal department, I quote:

""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, unless it is clear that the document shall or shall not be disclosed", meaning that we most probably should consult the two companies involved. They have the possibility to refuse access to the documents or to only give partial access, due to commercial interests. "

Here the exceptions listed in the regulation:

"Exceptions

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(a) the public interest as regards:

- public security,
- defence and military matters,
- international relations,
- the financial, monetary or economic policy of the Community or a Member State;

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. 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, — court proceedings and legal advice, — the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure."

I would therefore like to know if SWORD would authorise Eurostat to give access to this information or to refuse us to give access due to commercial interest.

Kind regards

[REDACTED]

-----Original Message-----

Bonjour,


Je vous prie de bien vouloir traiter la demande d'accès aux documents ci-dessous.

Je me permets de vous rappeler que le délai impératif de réponse est de 15 jours ouvrables à partir de l'enregistrement de la demande (délai : 11/02/2014).

Pour toute information complémentaire, veuillez me contacter.

Pour rappel : Conformément à la note SEC(2007)1616, je vous informe qu'il n'est plus nécessaire de faire parvenir au SG une copie de votre réponse.

Bonne journée,

  
SG-B.5.  
Transparence.  
Berl. 05/329

-----Original Message-----

From: SG ACCES DOCUMENTS  
Sent: Tuesday, January 21, 2014 6:34 PM  
To: 'Zois Zervos'  
Subject: RE: access to information request - Contract award notice 2013/S 112-190358, financial statements --- Ref. Gestdem 2014/330

Dear Sir,


Thank you for your email dated 21/01/2014.

We hereby acknowledge receipt of your application for access to documents, which was registered on 21/01/2014 under reference number GestDem 2014/330.

In accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, your application will be handled within 15 working days.

The time limit will expire on 11/02/2014. In case this time limit needs to be extended, you will be informed in due course.

Yours faithfully,

  
SG.B.5.  
Transparence.  
Berl. 05/329.

-----Original Message-----

From: Zois Zervos [mailto:ask+request-1147-128a086f@asktheeu.org]  
Sent: Tuesday, January 21, 2014 5:29 PM  
To: SG ACCES DOCUMENTS  
Subject: access to information request - Contract award notice 2013/S 112-190358, financial statements

Dear Eurostat (ESTAT),

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

I refer to the contract award notice 2013/S 112-190358 'The development and maintenance of geographical information systems and geographical information'.

According to the tendering specifications, tenderers were required to submit as Annex 8 of their offer:

‘Full set of annual accounts (balance sheet, profit and lost account and notes on the accounts) for the past two years’, hereafter: ‘the company accounts’.

I would be obliged if Eurostat would provide me with full copies of the following documents:

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

With regards to the requested company accounts, those are essentially public documents, since they are filed with the supervising authorities stipulated by the national company law; they are fully releasable to the public (perhaps subject to a small administrative fee). This means that no exception of article 4 of Regulation 1049/2001 is applicable to the documents requested under #1 and #3 above.

Yours faithfully,

Zois Zervos

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This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request: ask+request-1147-128a086f@asktheeu.org

If sg-acc-doc@ec.europa.eu is the wrong address for information requests to Eurostat (ESTAT), please tell the AsktheEU.org team on email team@asktheEU.org

This message and all replies from Eurostat (ESTAT) will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>

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