Dear Mr D’Apolito,

Subject: Your application for access to documents 2024/1971

We refer to your request for access to European Commission documents registered on 10 April 2024 under the above-mentioned reference number.

We also refer to our email of 2 May 2024 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001 (1).

1. Scope of your request

In your request, you ask on the basis of Regulation (EC) No 1049/2001, access to

“documents which contain the following information:

- The Evaluation of the Review of Tobacco Products Directive (TPD).”

2. No documents held

We understand from the scope of your request that you are seeking access to the Commission evaluation of the EU legislative framework on tobacco. Work to prepare the evaluation in question (which will be adopted and published in the form of a Commission Staff Working Document) is currently still ongoing. Hence there is no document at present that would correspond to your request.

Given the above, we regret to inform you that the Commission does not hold any documents corresponding to the above-mentioned scope of your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

3. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

**by asking for a review via your portal** account

or by mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

4. Acknowledgment of receipt

According to the standard operational procedure, the reply is sent by e-mail only. We would therefore appreciate if you could explicitly confirm receipt of the e-mail within 5 working days by replying to sante-consult-b4@ec.europa.eu.

Yours faithfully,

Sandra GALLINA
Director General

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