Subject: Your application for access to documents – Ref GestDem No 2016/2855

We refer to your e-mail dated 20/05/2016 in which you make a request for access to documents registered on 23/05/2016 under the above mentioned reference number.

Your application concerns the "Briefing basis CNECT/4986 and its attachments/annexes" and "the drafts and correspondence in relation to this Briefing documents".

The Briefing basis CNECT/4986 and its attachments/annexes

On 5 January 2016, in reply to your confirmatory application registered on 11 September 2015 (Ref. GestDem No 2015/3828 - Ref. Ares(2016)34924), the Secretary General of the European Commission already granted you partial access to the briefing referred to as "Briefing basis CNECT/4986"\(^1\) and refused disclosure of its attachment\(^2\). For your convenience, we enclose a copy of the letter of the Secretary General and the partially disclosed briefing.

According to our assessment, it appears that the conditions of non-disclosure remain unchanged and there is no new element which would lead to a different conclusion. I therefore consider that no further disclosure can be granted under the provisions of Regulation (EC) No. 1049/2001 regarding public access to documents for the reasons set out in the Letter from the Secretary General.

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\(^1\) Listed as Document 38 in the decision of the Secretary General on behalf of the Commission

\(^2\) Listed as Document 39 in the decision of the Secretary General on behalf of the Commission
Drafts and correspondence in the relation to the Briefing to the Commissioner Oettinger

With regard to your request concerning "the drafts and correspondence in relation to this Briefing documents", we regret to inform you that no document was identified that would correspond to the description given in your application. Indeed, as specified in Article 2(3) of Regulation 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 have been identified, the Commission is not in a position to handle this part of your request.

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 5/282
B-1049 Bruxelles

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

Yours faithfully,

(e-Signed)
Roberto Viola

Contact:
Camille Auvret, Telephone: +32 229-60520, camille.auvret@ec.europa.eu

Annexes:
- Decision of the Secretary General, dated 5 January 2016, Ref. Ares(2016)34924
- Briefing basis CNECT/4986 as disclosed by the Secretary General (Document 28 attached to the decision)