



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

The Director-General

Brussels,
DG CONNECT/RM/AS/sg

Mr. Ntetsikas

Email: [ask+request-597-
xxxxxxx@xxxxxxx.xxx](mailto:ask+request-597-xxxxxxx@xxxxxxx.xxx)

Subject: Your application for access to documents – Ref GestDem No 2013/4573 under Regulation 1049/2011 regarding public access to European Parliament, Council and Commission documents

Dear Sir,

We refer to your email dated 24 August 2013 wherein you make a request for access to documents, registered on 13 September 2013 under the above mentioned reference number.

We also refer to our letter (Ares(2013)3091211 -20/09/2013) dated 20 September 2013 wherein you have been proposed that your application is handled in several successive stages.

We further refer to your email dated 22 September 2013 wherein you accepted the Commission's proposal.

The request

You have asked for access to the following document:

DG CONNECT's (former INFSO) Anti-Fraud Measures' expressly referred to in page 6 of the DG CONNECT's (former INFSO) Control and Anti-fraud strategy, 10/09/2010, and clearly falling under the scope of the application which concerns "the documents describing the DG CONNECT Anti-Fraud Strategy, Policy, and Operational Organisation, from 1/1/2010 onwards".

Please find enclosed the documents requested. (**Annex 1**)

However, please note that only partial access can be granted to the document requested. The erased parts in the document provided fall within one or more of the exceptions laid down in Article 4 of Regulation 1049/2001.

According to Article 4(2) third indent "*the institution shall refuse access to a document where disclosure would undermine the protection of the purpose of inspections, investigations and audits.*"

The anti-fraud measures form part of the DG CONNECT's (former INFSO) audit strategy to prevent, detect and handle potential cases of fraud.

The expunged parts give details on the measures, on their application and on the cooperation between OLAF, the Union's main instrument in the fight against fraud, and DG CONNECT. Disclosure of the blanked parts of the document would lead to lose the potential benefits deriving from these measures and would consequently undermine the purpose of future audits. If this information was to be disclosed, it would leave room for abuse in cases where an audited entity has acted in a fraudulent way defeating in such way the primary purpose of current and future audits.

We have examined to which extent the exception laid down in Article 4(2) of Regulation 1049/2001 may be waived in case of an overriding public interest in full disclosure. Such an interest must firstly be a public interest and secondly outweigh the harm caused by the disclosure.

Having analysed your request, we have not found any elements which could justify the existence of an overriding public interest in the sense of the Regulation, which would outweigh the exceptions stipulated in Article 4(2) mentioned above.

Therefore, we have concluded that only partial access to the aforementioned document can be granted.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the position above.

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,

(e-Signed)
Robert Madelin