



**EUROPEAN COMMISSION**

Directorate-General for Communications Networks, Content and Technology

Director-General

Brussels,  
DG CONNECT G1/BH

Mr Klaus Zinser  
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*By registered letter with  
acknowledgment of receipt*

**Subject: Your application for access to documents - GestDem No 2015/4933**

Dear Sir,

I refer to your e-mail dated 15 September 2015 in which you make a request for access to documents. Your request was registered on 16 September 2015 under the above mentioned reference number.

On 7 October 2015 we informed you of an extension of the deadline for handling your request by 15 working days.

Your request for access concerns Contract No 30-CE-0343284/00-24, which includes two Annexes, namely Annex I (Terms of Reference) and Annex II (Contractor's Tender).

You moreover request access to the study which the contractor produced on the basis of the aforesaid contract.

***Access to Contract No 30-CE-0343284/00-24***

The contract to which you have requested access contains personal data, namely the name of the Contractor's principal.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

I consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the person concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

For details of making a confirmatory application, please see below.

#### ***Access to Annex I (Terms of Reference) and the study***

We enclose copies of Annex I to the contract.

We moreover enclose copies of the final report of the feasibility study for the preparatory action "Erasmus for journalists", including the annexes.

Please note that the study has been carried out by external experts and does not reflect the position of the Commission. It cannot be quoted as reflecting the Commission's position.

#### ***Access to Annex II (Contractor's Tender)***

After having examined the Contractor's Tender, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

The document which you seek to obtain contains commercially sensitive business information of the company that submitted it. Disclosure of the document requested would undermine the protection of the commercial interests of the company that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

After considering whether partial access could be granted to the document requested, I regret to inform you that it is not possible to grant access to an expunged version of the document as the text is covered by the exception to an extent that the remaining parts after expunging the confidential information would be meaningless or illegible.

The exceptions laid down in Article 4(2), first indent of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the document. I note that you have not put forward any arguments demonstrating the existence of an overriding public interest in disclosure. Nor have I been able to identify any elements capable of demonstrating the existence of an overriding public interest in disclosure of the document.

***Possibility of making a confirmatory application***

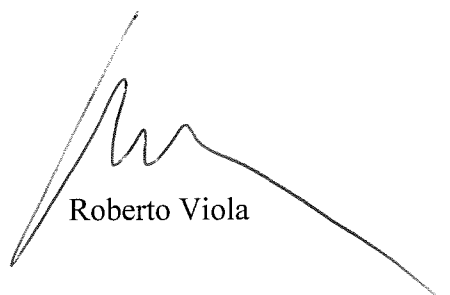
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Roberto Viola

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