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Directorate B - Institutional and Administrative Policies
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By registered mail:

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Subject: Your confirmatory applications for access to documents under Regulation (EC) No 1049/2001 – GESTDEM 2018/1836 and GESTDEM 2018/1837

Dear Mr Lohninger,

I refer to your e-mails of 4 June 2018, registered on 12 June 2018, through which you submit confirmatory applications in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ ('Regulation 1049/2001').

In your initial applications of 27 March 2018, addressed to the Directorate-General for Communications Networks, Content and Technology, you requested access to 'any meeting notes or any correspondence between the European Commission and the Austrian/Portugal government concerning penalties for net neutrality violations.'

¹ Official Journal L 145 of 31.5.2001, p. 43.

As you did not receive any initial reply from the Directorate-General for Communications Networks, Content and Technology within the statutory deadlines, you submitted confirmatory applications on 4 June 2018, against the tacit refusal of access to the documents requested.

On 5 June 2018, the Directorate-General for Communications Networks, Content and Technology sent you two initial replies to your applications (registered respectively under references Ares(2018)2608183 and Ares(2018)2608079), providing full access to a working document entitled 'Sanctions for violations of the Net neutrality provisions under the TSM regulation'².

The reason for your confirmatory application was the absence of any initial reply. As the Directorate-General for Communications Networks, Content and Technology has in the meantime fully replied to your applications, the Secretariat-General will close your confirmatory applications³.

Yours sincerely,



Martin Kröger
Head of Unit

² COCOM17-13REV-3

³ Without prejudice to your right to submit a new confirmatory application if you do not agree with the position of the Directorate-General for Communications Networks, Content and Technology, as reflected in its reply of 18 May 2018.