



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

The Director-General

Brussels,  
DG CONNECT/RM/AS/sg

Mr. Zervos

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**Subject: Your application for access to documents – Ref GestDem No 2013/3956 under Regulation 1049/2011 regarding public access to European Parliament, Council and Commission documents – partial reply**

Dear Sir,

We refer to your email dated 27 July 2013 wherein you make a request for access to documents, registered by us with the above-mentioned reference number.

We refer furthermore to our letter of 20 September 2013 wherein you have been proposed that your application is handled in several successive stages.

The current reply covers the following requests:

**1. A copy of every single audit announcement letter drawn up by S.5 and R.4 Units released by the Commission services pursuant to Regulation No 1049/2001, including all annexes thereto and the Privacy Statement.**

Please be informed that we have identified two documents corresponding to your request. You will find enclosed the documents requested. (**Annexes 1, 2, 2a, 3, 4 and 4a**)

Please also note that only partial access can be granted to the two documents identified. The erased parts in the documents provided fall within one or more of the exceptions laid down in Article 4 of Regulation 1049/2001.

Pursuant to Article 4(1) b "the institution shall refuse access to a document where 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 exception in Article 4(1) is an absolute exception not balanced by an overriding interest.

Article 4(2), first indent, of Regulation 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: (...) commercial interests of a natural or legal person, including intellectual property."

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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(s) can be granted.

Please note that 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-5  
BERL 5/327  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

For the Director General absent  
Z. STANCIC  
Deputy Director General

A handwritten signature in black ink, appearing to read 'Robert Madelin', with a stylized flourish at the end.

Robert Madelin