



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 –final 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 outstanding points of your application concern the following documents:

3. DG CONNECT (former INFSO) drawn up letters from 1/1/2010 onwards granting the suspension of a FP7 grant agreement managed by the former DG INFSO unit – ICT for Health and its successor in DG CONNECT pursuant to Article FP7 II.8.2.

and

5. DG CONNECT (former INFSO) drawn up letters from 1/1/2010 onwards imposing the suspension of a FP7 GA managed by the two former DG INFSO units – ICT for Health and ICT for Transport and their successors in DG CONNECT pursuant to Article FP7 II.8.3.

Please be informed that we have identified document(s) corresponding to your request under the abovementioned points 3 and 5. You will find enclosed the document(s) requested. **(Annex1)**

However, please note that only partial access can be granted to the document(s) 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 that 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."*

Please note that all the information relating to personal data has been expunged.

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."*

Therefore, the information relating to individuals and/or legal entities that could damage their commercial interests has been expunged on the basis of the above-mentioned exception.

Pursuant to Article 4(2), third indent, of Regulation 1049/2001, 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.

We would like to draw your attention to the fact that your request under point 1 has been already addressed (Ares(2013)3131925-30/09/2013). Therefore, with this response all your requests under GESTDEM 2013/3956 have been duly answered.

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

Yours sincerely,

(eSigned)
Robert Madelin