



EUROPEAN COMMISSION

Brussels, 25.4.2019
C(2019) 3301 final

[REDACTED]
[REDACTED]
St Leonards Rd
London E140QT
United Kingdom

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 – GESTDEM 2019/1038**

Dear [REDACTED],

I refer to your letter of 25 March 2019, registered on the same day, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter 'Regulation (EC) No 1049/2001').

In your initial application of 20 February 2019, you requested access to:

- 'advertising in the EU journal of a 14 000 000 EUR contract on Balfron Tower [awarded to Poplar HARCA]'.

By letter of 12 March 2019, the Publications Office of the European Union informed you that it was not able to identify any documents as falling within the scope of your request.

In your confirmatory application you question the absence of any documents without providing further comments.

Against this background, the European Commission has carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the Commission does not hold any documents that would correspond to the description given in your application.

¹ Official Journal L 345 of 29.12.2001, p. 94.

² Official Journal L 145 of 31.5.2001, p. 43.

Indeed, as specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Although all public tenders above specific contract values must be published in the 'Supplement to the Official Journal of the European Union' (S series), sending a contract notice for the publication is a responsibility of the public authorities of a Member State. The European Commission does not hold any notice referring to the advertising of a rebuilding contract on Balfron Tower, St Leonards Rd, London.

Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



For the Commission
Martin Selmayr
Secretary-General