



EUROPEAN COMMISSION

LEGAL SERVICE
The Director-General

Brussels, 27 October 2020

By email

Mr Alexander Fanta
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Subject: Request for access to documents

Ref.: Your request of 2 September 2020 registered under reference GestDem2020/5238

Dear Mr Fanta,

On 2 September 2020 you addressed to five General Directorates of the European Commission identical applications for access to documents, under Regulation (EC) No 1049/2001¹, asking for:

- *“all documents (including memos, minutes, e-mail, contracts, etc.) related to the agreement between the Commission, SAP and T-Systems on 31 July, 2020 on the development and deployment of a software platform for the cross-border exchange of coronavirus warnings (interoperability gateway for contact tracing apps);*
- *all internal documents of the Commission (e.g. working group meeting minutes, memos, e-mails, etc.) and exchanges with member states and external stakeholders (i.e. Google, Apple, etc.) on the interoperability of contact tracing apps”.*

As you were informed, the Legal Service registered your request on 3 September under reference GestDem 2020/5238.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2011 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31.05.2001, page 43).

By letter of 2 October 2020, Directorate General for Health and Food Safety (DG SANTE), the General Directorate competent for the subject matter, proposed you, in accordance with Article 6(3) of Regulation No 1049/2001 a «*fair solution*»² to deal with your request. DG SANTE identified six categories of documents as falling within the scope of your request and proposed you to deal, within the extended deadline laid down in Article 7(3) that Regulation, with documents relating to the following ones:

1. *Contract between the Commission and SAP/T-Systems of 31 July 2020 and accompanying documents;*
2. *Documents received by the Commission (DG SANTE) from SAP/T-Systems related to the contract of 31 July 2020;*
3. *Minutes and summaries of meetings between the Commission services related to the contract of 31 July 2020;*
4. *Minutes and summaries of meetings between the Commission and Apple and Google related to the interoperability of contact tracing applications.*

In the light of the above, after examination of our files, I would like to inform you that the Legal Service has not identified any document in its possession falling within the scope of the referred categories of documents.

Article 2(3) of Regulation (EC) No 1049/2001 states that “[t]his Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union”. Since the Legal Service has not identified any document corresponding to the above description, it is not in a position to fulfil your request.

Should you contest the position on the non-identification of documents, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretariat-General to the following address:

European Commission
Secretariat-General
Unit SG.C.1 “*Transparency, Document Management & Access to Documents*”
BERL 7/076
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

[*signed electronically*]
p.o. Karen BANKS
Daniel CALLEJA CRESPO

² Ares(2020)5179786.