



Brussels
SG.RECOVER.B.1

Subject: Your application for access to documents – GESTDEM 2021/2495

Dear Sir,

We refer to your e-mail of 18 April 2021 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to documents which contain the following information: "Österreichischer Aufbau- und Resilienzplan 2020-2026" / Austrian contribution to the European Recovery Fund (Document delivered by the Austrian government in April 2021).

I consider your request to cover documents held up to the date of your initial application, i.e. 18 April 2021.

The following documents fall within the scope of your application:

- First Draft of the Austrian RRP, received on 13 April 2021, reference Ares(2021)2492711 (hereafter 'document 1');
- First Draft of the Austrian RRP, received on 13 April 2021, reference Ares(2021)2510245 (hereafter 'document 2').

Following an examination of the documents, under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your applications cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in the 4th indent of Article 4(1)(a) and in the first subparagraph of Article 4(3) of this Regulation.

The documents 1 and 2 which you seek to obtain are third-party documents of the government of Austria, disclosure of which:

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- Would undermine the protection of the public interest as regards the economic policies of Austria;
- Relate to a matter where a decision has not been taken by the European Commission, and would seriously undermine the decision-making process of the European Commission.

We have considered whether partial access could be granted to the documents requested. However,

- Expunging the confidential information would make the documents meaningless or illegible.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Johannes LUEBKING
Principal Adviser