



3. Concerning section 4.1.3, on the public document register, a similar issue has been raised in Case C-127/13 P, pending. In her Opinion of 22 May 2014 (paragraphs 63 to 69), Advocate General Kokott has argued that Regulation 1049/2001 does not link the obligation enshrined in Article 11 with the right of access to documents in Art. 2(1). She therefore considers that it is not possible to impose the respect of that obligation through a request for access to documents and that that should be done through an action for failure to act based on Article 265 TFEU. Although this position has not yet been confirmed by the Court, it would be better to quote the Advocate General on this point and declare that part of the confirmatory request inadmissible, as it does not relate to a request for access to documents and goes beyond the proper scope of such a request. You may, after having said that, give the explanations you give concerning the register (for purely information purposes).

[REDACTED]

5. On 4.1.6, we agree that the protection of business services may justify the refusal to disclose such documents, but a fuller explanation should be given.

The Legal Service will wait for the submission of a revised draft in line with these remarks.

Best wishes,

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