

NEGATIVE REPLY – **BASIC MODEL**

Access denied to **all documents** requested – **No third party** documents

By registered letter with acknowledgment of receipt

Address

XX

XX

Advance copy by email : XXXXX

Dear **Sir / Madam**,

Subject: Your application for access to documents – Ref GestDem No 201Y/XXXX

We refer to your **letter / e-mail / fax** dated **dd/mm/yyyy** in which you make a request for access to documents, registered on **dd/mm/yyyy** under the above mentioned reference number.

Your application concerns the following **document/documents**:

Describe the document requested or provide a list of relevant documents. If the application covers a large number of documents, the list can be put in an annex. [If the document(s) requested do(es) not exist, the request is devoid of purpose and thus no further reasoning is then required].

Having examined the **document/documents** requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by **exception/exceptions** to the right of access laid down in Article 4 of this Regulation.

The **document/documents** which you seek to obtain...

Describe the type of information contained in the document/s without revealing its/their actual content.

Examples:

- contains commercially sensitive business information of the company that submitted it;
- relates to an ongoing investigation regarding a possible infringement of EU law (*give the infringement case number*);
- relates to an ongoing audit concerning (*describe the matter*);
- relates to a decision which has not yet been taken by the Commission;

Disclosure of the **document/documents** requested would undermine the protection of

Mention the applicable exception and describe how disclosure would affect the interest protected under this exception.

Examples:

- the commercial interests of the company that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.
- the purpose of the ongoing investigation; indeed, disclosure of the document at this point in time would affect the climate of mutual trust between the authorities of the Member State and the Commission, which is required to enable them to resolve the case without having to refer it to the Court of Justice. Therefore the exception laid down in Article 4(2) third indent of Regulation (EC) No 1049/2001 applies to this document.;
- the purpose of the ongoing audit, as it would put in the public domain preliminary findings which have not yet been confirmed and which may be rebutted by the **persons/entities** being audited; disclosure at this point in time would unduly interfere with the contradictory procedure and may undermine the rights of the **persons/entities** concerned.; Therefore the exception laid down in Article 4(2) third indent of Regulation (EC) No 1049/2001 applies to this document.
- the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

We have considered whether partial access could be granted to the **document/documents** requested.

Explain why it is not possible to grant access to an expunged version of the document/s.

They may be entirely covered by the exceptions or the remaining parts after expunging the confidential information might be meaningless or illegible.

The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the **document/documents**.

Explain why the public interest in making the content of the document/s public does not outweigh the harm disclosure would cause to the interest/s protected by the invoked exception/s.

This section should not be included when exceptions under Article 4(1) are invoked.

In accordance with Article 7(2) of Regulation 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
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

or by email to: XXXXXXXXXX@XX.XXXXXX.XX

Yours faithfully,

XXXXXXXXXXXX
Director-General