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BY E-MAIL AND REGISTERED MAIL WITH ACKNOWLEDGMENT OF RECEIPT

Subject: Request for access to documents

Ref.: Your e-mail of 04 April 2017 registered as request for access to documents on the same day under reference GestDem 2017/2126

Dear Ms. Streul,

I refer to your e-mail of 11/01/2017 through which you request access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹. Your email concerns the written observations submitted by the European Commission in cases C-466/12², C-348/13³, C-160/15⁴ and C-138/16⁵.

As you were informed, the Commission's observations in case C-160/15 are already public⁶. With regards to the Commission's written observations in cases C-466/12 and C-138/16, after a concrete assessment of the above mentioned documents, I am pleased to inform you that access can be granted. However, parts of the documents have been expunged since they must be protected under the exception for the protection of commercial interests, as will be analysed below.

¹ OJ L 145, 31.05.2001, page 43.

² Judgment of the Court of 13 February 2014 in C-466/12, *Nils Svensson and Others v Retriever Sverige AB*, EU:C:2014:76.

³ Order of the Court of 21 October 2014 in C-348/13- *BestWater International GmbH v Michael Mebes and Stefan Potsch*, EU:C:2014:2315.

⁴ Judgment of the Court of 8 September 2016 in C-160/15, *GS Media BV v Sanoma Media Netherlands BV and Others*, EU:C:2016:644.

⁵ Judgment of the Court 16 March 2017 in C-138/16, *Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger registrierte Genossenschaft mbH (AKM) v Zürs.net Betriebs GmbH*, EU:C:2017:218.

⁶ Our e-mail of 05/04/2017.

3. REUSE OF THE DOCUMENTS

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4. MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below.

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

The Secretary General will inform you of the result of this review within 15 working days from the date of registration of your request. You will either be given access or your request will be rejected in which case you will be informed of how you can take further action.

Yours sincerely,



Luis ROMERO REQUENA

Attachments: 2