



EUROPEAN COMMISSION

Competition DG

Markets and cases II: Information, Communication and Media
Antitrust: IT, Internet and Consumer electronics

Brussels, 16/09/2013

COMP/C3/DA/se/HT.3524/Bundle 2013/091530

TO:

Mr Charilaos DROSOS

Ask+request-633-

5bbb5267@asktheeu.org

**Subject: Application for access to documents according to Regulation 1049/2001
GESTDEM 2013-3567 - 3568 - 3569 – 3570 relating to Commission
Decision C(2004) 900 in Case COMP/C-3/AT.37792- Microsoft**

Dear Mr Drosos,

Thank you for your letter dated 7 July 2013, registered on 8 July 2013 under GESTDEM number 2013-3567 - 3568 - 3569 - 3570, requesting access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents (hereinafter 'Regulation 1049/2001').

Your application concerns access to:

C. Commission Decision C(2004) 900 in Case COMP/C-3/37.792- Microsoft:

#11. The cover note (or equivalent) with which DG COMP dispatched to the Legal Services the very first draft version of the Decision. It is clarified that this request does not concern the main body of the draft Decision but only the cover note requesting the opinion of the Legal Services.

#12. The cover note (or equivalent) with which the Legal Services dispatched to DG COMP their opinion about the first draft (item #11) above. It is clarified that this request does not concern the main body of the opinion dealing with the substance of the case, but only the cover note informing DG COMP the dispatch of main body of the opinion of the Legal Services.

#13. The favourable opinion of the Legal Services submitted to the College in process of formal adoption of the Decision, which is expected to be a different document than that requested under #12 above.

¹ OJ L145, 31.05.2001, page 43.

#14. The first few pages of the proposal of the Member of the Commission to the College to adopt the Decision by the written procedure, which are concerned with the internal process of the Commission to adopt the Decision. It is clarified that this request does not concern the main body of the Decision dealing with the substance of the case and most probably runs into hundreds of pages.

The Commission's Legal Service already replied to your application concerning documents number 12 and 13 by email of 20 August 2013.

Having carefully examined documents 11 and 14, I am pleased to inform you that full access can be granted to them. I must however remind you that these documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'N. Banasevic', with a long horizontal flourish extending to the right.

Nicholas BANASEVIC
Head of Unit