



EUROPEAN COMMISSION

Brussels,
SG.C.1/JCN/rc -

By registered letter with AR:

Ms Aisha Down
Emerika Bluma 8,
71000, Sarajevo
Bosnia and Herzegovina

Copy by email:
[ask+request-7431-
ec2b8206@asktheeu.org](mailto:ask+request-7431-ec2b8206@asktheeu.org)

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2019/6298**

Dear Ms Down,

I refer to your e-mail of 22 January 2020, registered on 23 January 2020, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereafter ‘Regulation (EC) No 1049/2001’).

Your confirmatory application was submitted in relation to your initial application of 4 November 2019, addressed to the Directorate-General for Health and Food Safety, whereby you requested access to, I quote:

- ‘All documents from the expert panels that evaluated Everis’s Implementation Analysis for the EU’s track and trace system for tobacco products, including: all submissions, all comments, and minutes of the panels’.

On 13 January 2020, the Directorate-General for Health and Food Safety replied to your initial request. In its letter, registered under reference Ares(2020)175035, the Directorate-General for Health and Food Safety granted access to the requested documents with certain parts redacted on the basis of Article 4(1)(b) (protection of privacy and the integrity of the individual) and the first indent (protection of commercial interest) of Article 4(2) of Regulation (EC) No 1049/2001. However, the (partially) released

¹ OJ L 145, 31.5.2001, p. 43.

documents were not attached to the decision and this was the reason why you submitted a confirmatory application to the European Commission's Secretariat-General.

On 24 January 2020, the Secretariat-General received a notification from the Directorate-General for Health and Food Safety confirming that there was a clerical error in the sending of the reply to your request as the documents were not attached to the decision letter. This has now been corrected and the documents (partially) released have now been sent to you (reference Ares(2020)430905).

The reason for your confirmatory application was the absence of the attachments to the initial reply. As the Directorate-General for Health and Food Safety has in the meantime provided you with the requested documents, the Secretariat-General will close your confirmatory application.

If you do not agree with the position of the Directorate-General for Health and Food Safety, you remain free to submit a new confirmatory request in accordance with Article 7 of Regulation (EC) No 1049/2001.

Yours sincerely,

María Oliván Avilés
Head of Unit