



EUROPEAN COMMISSION  
Competition DG

The Director General

Brussels, 23 September 2020  
COMP/C3/RH/et(2020)

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**By email :**  
*ask+request-8503-2a1d660e@asktheeu.org*

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2020/5263**

We refer to your e-mail dated 02/09/2020 in which you make a request for access to documents, registered on 04/09/2020 under the above-mentioned reference number. In your email you request access to:

*‘ All documents (including memos, minutes, e-mail, contracts, etc.) related to the agreement between the Commission, SAP and T-Systems on 31 July, 2020 on the development and deployment of a software platform for the cross-border exchange of coronavirus warnings (interoperability gateway for contact tracing apps)*

*- All internal documents of the Commission (e.g. working group meeting minutes, memos, e-mails, etc.) and exchanges with member states and external stakeholders (i.e. Google, Apple, etc.) on the interoperability of contact tracing apps’.*

You have submitted the same request to several Directorates-General of the European Commission. This reply concerns only the request submitted to the Directorate-General for Competition. You will receive the replies from the other relevant Directorates-General to which you have directly addressed your application in due course.

The Directorate-General for Competition of the European Commission does not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Directorate-General for Competition of the European Commission, it is not in a position to fulfil your request.

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, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*(e-signed)*  
Olivier GUERSENT