



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director-General

Brussels,  
CONNECT/I2/CA/hz (2017) 1100925

***By registered letter with  
acknowledgment of receipt***

Diego NARANJO  
Advocacy Manager  
European Digital Rights (EDRi)  
Rue Belliard 20  
1040 BRUXELLES

***Advance copy by email:***  
[ask+request-3954-  
a51364d9@asktheeu.org](mailto:ask+request-3954-a51364d9@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2017/643**

Dear Sir,

We refer to your e-mail dated 02/02/2016 in which you make a request for access to documents under reference to Regulation (EC) No 1049/2001 regarding public access to documents<sup>1</sup> ('Regulation 1049/2001'), registered on 06/02/2017 under the above mentioned reference number.

Your application concerns in its first part: *'Document Ares(2016)6764539 as well as all documents related to this document'*.

In its second part your application concerns *'Documents on the Project Team meeting mentioned in the Ares(2017)559518 related to Ares(2016)6764539, including minutes of the meeting or meetings if they exist'*.

As regards the second part of your request, you will have observed that this part of the request has been split and further handled under reference GestDem 2017/0933<sup>2</sup> by a different Commission department (Secretariat General) under its own responsibility.

The Directorate General for Communications Networks, Content & Technology (DG CONNECT) is responsible for the handling of the first part of your request, *i.e. 'Document Ares(2016)6764539 as well as all documents related to this document'*. To this regard, I also refer to the holding reply, our reference Ares(2017)1042329, provided to you on 27/02/2017 and prolonging the deadline for the Commission's reply to 20/03/2017.

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<sup>1</sup> OJ L 145, 31.5.2001, p.43.

<sup>2</sup> Reply to the second part of your request was sent on 28/02/2017 (reference Ares(2017)1059280)

- *Document Ares(2016)6764539*

In the reply to your previous request for access to documents GestDem 2016/5921<sup>3</sup> we already arrived at the conclusion that Document Ares(2016)6764539 cannot be disclosed, as it is covered by the exceptions laid down in Article 4(3) of Regulation 1049/2001, as the disclosure of the document would seriously undermine the institution's decision-making process, and as there is no overriding public interest in disclosure.

On 02/02/2016 you filed a confirmatory application against that above reply to GestDem 2016/5921, requesting the European Commission to review the above-mentioned position. Please note that the Secretariat General of the European Commission is currently assessing whether this document could be disclosed in accordance with Regulation 1049/2001. In this context you have received the latest communication of the Secretariat General of 22/02/2017, reference Ares(2017)962412, concerning the extension of the deadline for the Commission Decision on your confirmatory application. The decision concerning the public access to document Ares(2016)6764539 will be taken and communicated to you accordingly by this Commission Decision on your confirmatory application.

- *Documents related to document Ares(2016)6764539*

After having carried out internal researches, we regret to inform you that we have not identified any document related to Document Ares(2016)6764539 which meets the criteria set out by Regulation 1049/2011<sup>4</sup> and the Commission Decision on document management<sup>5</sup>.

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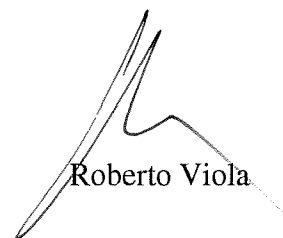
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the above positions.

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 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Roberto Viola

Contact: [CNECT-I2@ec.europa.eu](mailto:CNECT-I2@ec.europa.eu)

<sup>3</sup> Reply to GestDem 2016/5921, dated 01/02/2017, ref. Ares(2017)559518.

<sup>4</sup> Article 2(3) of Regulation 1049/2001.

<sup>5</sup> Implementing Rules for the Decision 2002/47/EC, ECSC, EURATOM on Document Management and for the Decision 2004/563/EC, EURATOM on Electronic and Digitised Documents, SEC(2009)1643.