



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director-General

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CNECT/F5/PR/hz (2015) 5220300

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Registered letter with advice of receipt

Advance copy by email:
ask+request-2288-126e39cc@asktheeu.org

**Subject: Your application for access to documents,
Ref GestDem No 2015/5033**

Dear Sir,

I refer to your e-mail dated 21/09/2015 wherein you make a request for public access to documents under Regulation (EC) No 1049/2001, registered on 21/09/2015 under the above mentioned reference number:

'Sehr geehrte / Sehr geehrter Internal Market, Industry, Entrepreneurship and SMEs,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

Any document that relates to an ancillary copyright ("Leistungsschutzrecht" für Presseverleger), both referring to existing or proposed laws in EU Member states as well as any information relating to the introduction of such right into EU legislation.

In case documents are classified or cannot be released because of exceptions or special treatment, I am asking for the name and the reference number of this document, preferably an ARES reference number.

I am especially but not exclusively looking for information in the form of proposals, memos, studies, notes, meeting records, letters to the relevant Commissioners and their Cabinet staff members dealing with EU copyright and the protection of press publishers by application or amendment of EU copyright law. I am also including internal communication within the EC to this request.

If information under the scope of regulation 1049/2001 is not held by DG MARKT but by the Commission, the Commissioner or another DG or Commission unit, I would like this information to be included in this request.

I am specifically looking for information up until the responsibilities of copyright shifted from DG MARKT to DG Connect in late 2014, I am therefore limiting the scope of this request from 2011 to late 2014.

Please note that the terminology might be blurry, the common terms for this copyright law are Leistungsschutzrecht für Presseverleger (Presseverlegerleistungsschutzrecht) or more colloquially called "Google-Steuer". Proper English terms are Ancillary Copyright or Neighbouring rights (for press publishers), also Google-Tax. Two existing laws include the German Leistungsschutzrecht für Presseverleger (Achstes Gesetz zur Änderung des Urheberrechtsgesetzes vom 7. März 2013) and the Spanish Canon AEDE (Ley 21/2014, de 4 de noviembre, por la que se modifica el texto refundido de la Ley de Propiedad Intelectual, aprobado por Real Decreto Legislativo 1/1996, de 12 de abril, y la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil).

If documents only partially refer to a narrow interpretation of the scope of this request, I suggest to refrain from redaction of seemingly unrelated parts in the interest of time and effort.'

Your application concerns any document that relates to an ancillary copyright ("Leistungsschutzrecht" für Presseverleger), both referring to existing or proposed laws in EU Member states as well as any information relating to the introduction of such right into EU legislation. Furthermore, you are limiting the scope of your request to the time period from 2011-2014.

Due to the reorganisation of the Commission services in 2014, the responsibility for copyright attributed to DG MARKT has been allocated to DG CONNECT.

I have examined this request under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and have arrived at the conclusion that the scope of your request is encompassed by your earlier application GestDem No°2015/3828, to which the European Commission replied on 10 September 2015 and to which you made a confirmatory application requesting the Commission to review its position in accordance with Article 7(2) of Regulation 1049/2001.

In that initial application GestDem No°2015/3828 you have been requesting:

'Sehr geehrte/Sehr geehrter Generaldirektion Kommunikationsnetze, Inhalte und Technologien (CNECT),

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

Any document that relates to an ancillary copyright ("Leistungsschutzrecht" für Presseverleger), both referring to existing or proposed laws in EU Member states as well as any information relating to the introduction of such right into EU legislation.

In case documents are classified or cannot be released because of exceptions or special treatment, I am asking for the name and the reference number of this document.

I am especially but not exclusively looking for information in the form of proposals, memos, studies, notes, meeting records, letters to Commissioner Oettinger and Cabinet staff members dealing with EU copyright and the protection of press publishers by application or amendment of EU copyright law.

If information under the scope of regulation 1049/2001 is not held by DG CNECT but by the Commission, the Commissioner or another DG or Commission unit, I would like this information to be included in this request.'

Indeed, when considering your earlier request No°2015/3828, we have not limited our analysis to any specific time period: therefore the period 2011-2014 has already been covered in our reply to your application GestDem No°2015/3828.

Hence, the result of your request No 2015/5033, is identical with our response to your request No 2015/3828, for which you have applied for a Confirmatory Decision, which is currently being handled by the Secretariat General of the Commission.

Our services will therefore close this application GestDem No°2015/5033.

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

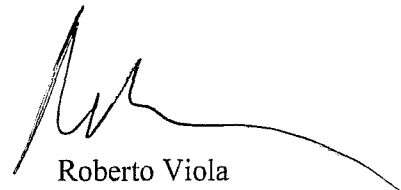
Transparency unit SG-B-4

BERL 5/327

B-1049 Bruxelles

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

Yours faithfully,



Roberto Viola

Contact: Philipp RUNGE, Telephone: +32 229-66670, philipp.runge@ec.europa.eu