



EUROPEAN COMMISSION
Competition DG

The Director General

By registered letter with acknowledgment of receipt

Brussels, **21 AOUT 2019**
COMP/C3/LD/et/HT.3524

Alexander Fanta
Netzpolitik.org
Rue de la Loi 155
1000 Brussels
Belgium

Advance copy by email:
a.fanta.ffcsn9wvyg@fragdenstaat.de

Dear Mr Fanta,

Subject: Your application for access to documents – Ref GestDem No 2019/4438

We refer to your e-mail dated 19 July 2019 in which you make a request for access to documents, registered on 31 July 2019 under the reference number GestDem 2019/4438.

For expediency, this response is addressed to you in English. Should you require a translation of this document in German, please contact DG Competition by e-mail at COMP-ACCESS-TO-DOCUMENTS@ec.europa.eu.

Your request is for access to documents related to lobbying meetings held by DG Competition with Microsoft or intermediaries representing its interests since November 2014 to date. Specifically, you requested:

- List of lobby meetings your Directorate-General held with Microsoft or its intermediaries from November 2014 up to the present. The list should include: date, individuals attending and organisational affiliation, the issues discussed;
- Minutes and other reports of these meetings;
- All correspondence including attachments (i.e. any emails, correspondence or telephone call notes) between your DG (including the Commissioner and the Cabinet) and Microsoft or any intermediaries representing its interests in that time;
- All documents prepared for the meetings and exchanged in the course of the meetings between both parties in the given time frame.

The Commission does not hold any documents that would correspond to the description given in your application. All the meetings with Microsoft or its representatives in the relevant timeframe related to specific competition cases in which Microsoft or its representatives were involved in the procedure.

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 Commission, the Commission 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 e-mail to: sg-acc-doc@ec.europa.eu

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a horizontal line at the end.

Director General
Johannes LAITENBERGER