EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

The Director-General

Brussels,
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By registered letter with acknowledgment of receipt
Jon Tennant
c/o Lisa Matthias, Dohlengrund 90
Berlin 12683, Germany

Advance copy by e-mail:
jon.tennant.2@gmail.com

Subject: Your application for public access to documents – GestDem Ref No 2018/6591

Dear Mr Tennant,

We refer to your request, registered on 10/12/2018 under reference number GestDem 2018/6591, in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001[1].

1. SCOPE OF YOUR REQUEST

You requested access to the following document: '[…] *the evaluation report of the public procurement procedure'*, related to contract: Open Science: Monitoring trends and drivers.

We have identified 1 document falling under the scope of your request (hereinafter the 'requested document'), namely the evaluation report of Contract Open Science: Monitoring trends and drivers with reference: 2017/RTD/A6/OP/PP-05622-2017, 2017/S 137-280412.

In addition, in your letter you ask if the contract related to the public procurement procedure in question is publicly available. Please note in this respect that, while the signed contract itself is not available, the procurement documents are available for unrestricted and full direct access, free of charge, at: https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2356.

[1] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) , hereinafter referred to as 'Regulation (EC) 1049/2001'.

2. EXAMINATION UNDER REGULATION (EC) NO 1049/2001

Having examined the requested document under the provisions of Regulation (EC) 1049/2001, and taking account of the legitimate interests of the third party concerned, we are pleased to inform you that partial access can be granted to the requested document. Some information has been withheld, as it concerns the commercially sensitive information.

Protection of commercial interests of a natural or legal person, including intellectual property

Article 4(2), first indent, of Regulation (EC) 1049/2001 provides that *"[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure*".

The requested document contains technical information of the bids revealed in the comments and assessment made by the evaluators which may be used by competitors in future similar procedures to the detriment of the entities concerned. The public disclosure of this information might undermine the commercial interests of the entities participating in the tender within the meaning of Article 4(2), first indent, of Regulation (EC) 1049/2001.

Article 4(2), first indent, of Regulation (EC) 1049/2001 (protection of commercial interests) applies unless there is an overriding public interest in disclosure of the documents requested. In this instance, we have found no elements which could indicate the existence of an overriding public interest in the sense of Regulation (EC) 1049/2001 that would outweigh the need to protect the commercial interests identified in the present letter. Therefore, the specific commercially sensitive information has been withheld from the requested document.

3. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 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 5/282
B-1049 Brussels

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

Yours faithfully,

Jean-Eric Paquet

Electronically signed on 30/01/2019 09:12 (UTC+01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563