



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate D – Internal Security
D.1 – Law Enforcement Cooperation

Brussels
HOME.D.1.003/AI

**By registered letter with
acknowledgment of receipt**

Peter TEFFER
Ekko Voorkamer
Bemuurde Weerd WZ 3
3513 BH Utrecht
The Netherlands

Advance copy by email:
ask+request-10493-2eeb593d@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/0187

Dear Mr Teffer,

We refer to your e-mail of 11 January 2022 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to all documents related to the infringement case INFR(2018)0208, relating to the Netherlands' transposition of Directive (EU) 2016/681 - on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

Your application concerns the following documents:

1. Letter from Commissioner Julian King to the Minister of Justice and Security of the Kingdom of the Netherlands of 29 November, Ares(2017) 6586915;
2. Letter of Formal Notice to the Kingdom of the Netherlands of 19 July 2018, C(2018)4400/21 final;
3. Reply to the Letter of Formal Notice of 19 July 2018 – Letter from the Minister of Foreign Affairs of the Kingdom of the Netherlands of 14 September 2018, Ares(2022) 376655;
4. Reasoned Opinion to the Kingdom of the Netherlands of 7 March 2019 , COM(2019) 1248 final;
5. Reply to the Reasoned Opinion of 7 March 2019 – Letter from the Minister of Foreign Affairs of the Kingdom of the Netherlands of 23 April 2019, Ares(2022) 376731;
6. Transponeringstabel, Ares(2022) 377234;
7. Eerste Kamer, vergaderjaar 2018–2019, 34 861, A, Ares(2022) 377234;
8. Tweede Kamer, vergaderjaar 2017–2018, 34 861, nr. 3; Ares(2022) 377234;

9. Staatsblad 2019 205, Ares(2022) 377234;
10. Staatsblad 2019 206, Ares(2022) 377234;
11. Staatsblad 2019 249, Ares(2022) 377234.

With regard to the documents 3. and 5. listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact details of natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document/documents without the agreement of the originator, who may hold an intellectual property right on it/them. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels,

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

Yours faithfully,

[Electronically signed]

Rob Rozenburg
Head of Unit

Enclosure: Doc 1 – COM letter to the NL (Letter from Commissioner Julian King to the Minister of Justice and Security Kingdom of the Netherlands of 29 November, Ares(2017) 6586915)

Doc 2 – COM LFN to the NL (Letter of Formal Notice to the Kingdom of the Netherlands of 19 July 2018, C(2018)4400/21 final)

Doc 3 – NL Reply to COM LFN (Reply to the letter of formal notice of 19 July 2018 – Letter of 14 September 2018, Ares(2022) 376655, Redacted version)

Doc 4 – COM RO to the NL (Reasoned Opinion to the Kingdom of the Netherlands of 7 March 2019, COM(2019) 1248 final)

Doc 5 – NL Reply to COM RO (Reply to the Reasoned Opinion of 7 March 2019 – Letter of 23 April 2019, Ares(2022) 376731, Redacted version)

Doc 6 – Information on NL Legislation (Transponeringstabel, Ares(2022) 377234)

Doc 7 – Information on NL Legislation (Eerste Kamer, vergaderjaar 2018–2019, 34 861, A, Ares(2022) 377234)

Doc 8 – Information on NL Legislation (Tweede Kamer, vergaderjaar 2017–2018, 34 861, nr. 3; Ares(2022) 377234)

Doc 9 – Information on NL Legislation (Staatsblad 2019 205, Ares(2022) 377234)

Doc 10 – Information on NL Legislation (Staatsblad 2019 206, Ares(2022) 377234)

Doc 11 – Information on NL Legislation (Staatsblad 2019 249, Ares(2022) 377234)