



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels, 28.11.2022
GROW/KJ/BHo/vk (2022) 8690356

Mr Moritz Neujeffski

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Subject: Your request for access to documents – GestDem 2022/5106

Dear Mr Moritz Neujeffski,

We refer to your request of 8 September 2022, registered on 12 September 2022 under the above-mentioned GestDem reference number. Your request concerns access to the following documents:

1. All comments provided to the Commission by stakeholders concerning incoming notifications regarding services, since March 1st 2021.
2. Internal communication from the Commission and assessments of notified measures and their compatibility with the Services Directive¹, since March 1st 2021.

Furthermore, following your answer submitted to the Commission's request for further clarification regarding the scope of your request, the scope of your request was extended to the following documents:

3. Reactions of the Commission delivered to Member States within the framework of the notification procedure established by the Services Directive.

Concerning the documents falling under point 3, we identified 21 documents containing reactions of the Commission delivered to Member States pursuant to measures notified under the Services Directive. Having analysed your request in the light of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, we consider access to the requested documents can be granted.

Please note that, as far as the disclosed Commission documents are concerned, you may reuse them free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note also that the Commission does not assume liability stemming from the reuse.

¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L376 of 27.12.2006, p. 36–68.

Regarding the requested documents under points 1 and 2, we regret to inform you that the Commission does not hold any document that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 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 (EC) No 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

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

Yours sincerely,

(electronically signed)

Kerstin Jorna
Director General

Enclosures: 21