



EUROPEAN COMMISSION

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

Single Market Enforcement

**E3.- Notification of Regulatory Barriers**

Brussels, 26.10.2022

GROW.E.3/RM/TI/vk (2022) 8204188

Mr. Emil Juslin

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**Subject: Your request for access to documents – Notification 2022/441/IRL –  
Reference number 2022/5918.**

Dear Mr. Juslin,

I refer to your request of 17 October 2022, registered on the same day under the above-mentioned reference number. Your request concerns the comments issued by Greece, Latvia, Poland and Slovakia on the “*Notification of Draft Regulations Under Section 12 of the Public Health (Alcohol) Act 2018*” notified by Ireland under notification 2022/441/IRL in the framework of Directive (EU) 2015/1535.<sup>1</sup>

With respect to your request, the following documents have been identified:

- Comments issued by the Slovak Republic,
- Comments issued by Poland,
- Comments issued by Greece,
- Comments issued by Latvia.

Having analysed your request in the light of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>, we consider access to the requested documents can be granted.

Please note that, the documents issued by the national authorities 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 documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

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<sup>1</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241 of 17.9.2015, p.1

<sup>2</sup> 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.

With regards to the document from the Latvian authorities, the exception relating to the protection of privacy and integrity of the individual provided for in Article 4(1)(b) of Regulation (EC) No 1049/2001 makes their full disclosure impossible, since it contains the following personal data:

- the names/initials and contact details of natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(electronically signed)

Radek MALY  
Head of Unit

Enclosures: 4