



EUROPEAN COMMISSION

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

The Director-General

Brussels, 21.02.2023
grow.e.2/FC/az(2023)1726687

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Subject: Your application for access to documents (EASE 2023/0382)

Dear Sir,

We refer to your request for access to European Commission documents registered on 19 January 2023 under the above-mentioned reference number.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application: *“Could you please provide me with the complaint under the EU Pilot procedure that triggered the aforementioned infringement procedure”*. We understand that you are referring to EUP(2016)8653.

In the present case, it appears that the EU Pilot at issue was established on own initiative of the Commission services and, therefore, that there was no underlying complaint that triggered the launch of said procedure.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Bruxelles

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

Yours faithfully,

[electronically signed]

Kerstin Jorna

¹ <https://www.ec.europa.eu/transparency/documents-request>