



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Policy, Regulation and Implementation
Director

Brussels, 27.07.2017
GROW/B2/AH/bml (2017) 4175717

Mr Clemens Prill
XXXXXXXXXXXXX
27568 Bremerhaven
Germany

Email:
XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXX.XXX

Subject: Your application for access to documents – Notification 2017/127/D
Ref. GestDem No 2017/3523

Dear Mr Prill,

We refer to your e-mail dated 10 June 2017 in which you made a request for access to documents, registered on 12 June 2017 under the above-mentioned reference number, and to our holding reply dated 30 June 2017.

Your application concerns *"information on checking and approving notification [2017/127/D] of upcoming German law 'Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (NetzDG)' [...] to be able to understand what stands for or against this law and why the EU approves it. So please be so kind and forward papers, discussion materials, statements, documents and files regarding this. Keep in mind that I'm not interested in press releases only but in internal documents, information, etc."*.

I consider your request to cover documents held up to the date of your initial application.

The Commission did not react to the notification 2017/127/D, as is visible at the public TRIS website

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2017&num=127>.

The documents identified as relevant for your request are listed in the attached table.

Following the assessment of these documents, please note that 12 documents that fall under the scope of your request are publicly available. These are:

- the German notification 2017/127/D listed at No 1 of the table, which is accessible under the section *"Message"* via <http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2017&num=127>; and

- the stakeholders' contributions listed at Nos 3, 4, 7, 8, 10, 11, 12, 13, 14, 17 and 18 of the table, which are accessible under the section "*Contributions*" via <http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2017&num=127>.

Having examined the documents Nos 2, 5, 6, 9, 15 and 16 pursuant to Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents¹, I am pleased to inform you that those documents are disclosed.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents received from third parties are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Some documents to which you have requested access contain personal data. Personal data of non-senior management Commission staff appearing therein has been redacted from the documents disclosed to you, as well as personal data of the third parties with whom the Commission was in correspondence. Pursuant to Article 4(1)(b) of Regulation (EC) 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EC) 45/2001² on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) 1049/2001, to make a confirmatory application requesting the Commission to review this position. Such confirmatory

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.

² Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, 12.1.2001, p. 1.


³ Judgment of the Court of Justice of the EU in case C-28/08 P, *Commission/The Bavarian Lager Co. Ltd.*

request has to be submitted to the Secretary-General of the Commission within fifteen working days of receiving this letter.

All correspondence should be sent either electronically to xxxxxxxxxx@xx.xxxxxx.xx or by regular mail to the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Brussels

Yours sincerely,



p.o. Joaquim NUNES DE ALMEIDA

Enclosures: - 1 table
- 6 documents