



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate E – Food and Feed Safety, Innovation  
**E2 – Food processing technologies and novel foods**

Brussels,  
DG SANTE/E2/AT/amf

**Peter Teffer**  
**EUobserver**  
**Rue Montoyer 18B**  
**1000 Brussels**  
**Belgium**

*Sent by registered letter with  
acknowledgement of receipt*

*Advance copy by email:*

ask+request-4972-43d2b884@asktheeu.org

Dear Mr Teffer,

**Subject: Your application for access to documents – Ref GestDem No 2018/197**

We refer to your e-mail dated 08 January 2018 in which you make a request for access to document, registered on the same date under the above mentioned reference number.

You request access to the following documents:

1. A list of Member States which have notified by 1 January 2018 the European Commission on the implementation of the provisions on penalties, as required by Article 29 of Regulation (EU) 2015/2283.
2. The content of all Member States' notifications of the provisions on penalties, as required by Article 29 of Regulation (EU) 2015/2283.
3. The content of any communication from the European Commission to Member States about the provisions on penalties from Article 29 of the same Regulation.

The responses to your request are provided as follows:

1. List of Member States which have notified provisions on penalties to the Commission by 1 January 2018, including the sources where these provisions can be found.

By 1 January 2018, no Member States notified provisions on penalties to the Commission.

2. The content of all Member States' notifications of the provisions on penalties, as required by Article 29 of Regulation (EU) 2015/2283.

You will find the list of Member States which have notified, to date, the national measures pursuant to Article 29 of Regulation (EU) 2015/2283 in the attached Annex 1; each particular notification is attached to this Annex.

Please be informed that some parts of contributions from Austria, Cyprus, Luxembourg, Romania and Norway were redacted because they cover topics that are unrelated to the topic of the request.

3. The content of any communication from the European Commission to Member States about the provisions on penalties from Article 29 of the same Regulation.

You will find in Annex 2 to the present the communication from the Commission to Member States of 9 January 2018, registered under the reference Ares(2018)897985.

The documents to which you have requested access contain personal data.

Pursuant to Article 4(1)(b) of Regulation (EC) No 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 Community legislation regarding the protection of personal data. The applicable legislation in this field is 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<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.<sup>2</sup>

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.

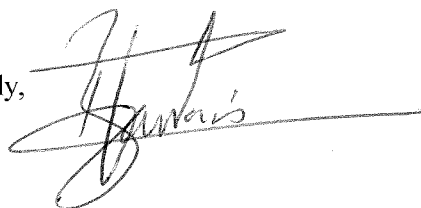
We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents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

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) No 1049/2001, 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 Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Bruno GAUTRAIS

Encl: Annex 1 – list of notifications;

Annex 2 – e-mail from the Commission to Member States of 9 February 2018; registered under ref. Ares(2018)897985.

<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1.

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.