



## EUROPEAN COMMISSION

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

Industrial Transformation and Advanced Value Chains  
Advanced Engineering and Manufacturing Systems  
Head of Unit

**16 MAI 2018**

Brussels,  
GROW C3/RV/ig Ares 2667587

Mr Peter Teffer  
EU Observer  
rue Montoyer 18B  
1000 Brussels

*By registered letter with  
acknowledgment of receipt*

*Advance copy by email:  
ask+request-5293-  
bc52803e@asktheeu.org*

**Subject: Your application for access to documents – Ref GestDem No 2018/1778**

Dear Mr Teffer,

We refer to your e-mail dated 23/03/2018 in which you make a request for access to documents, registered on 26/03/2018 under the above mentioned reference number.

You request access to:

- *A list of which member states have notified by 23 March 2018 the European Commission on the implementation of the provisions on penalties, as required by article 45 of Regulation (EU) 2016/425 of 9 March 2016 on personal protective equipment*
- *The content of all member states' notifications of the provisions on penalties, as required by article 45 of Regulation (EU) 2016/425 of 9 March 2016 on personal protective equipment*
- *The content of any communication from the European Commission to member states about the provisions on penalties from article 45 of the same regulation."*

DG GROW has identified 44 documents in its possession which fall within the scope of the request. None of these documents were considered as documents that cannot be released by the Commission services subject to a number of third party documents (notifications by Member States) for which the services of DG GROW have consulted the concerned Member States. None of the Member States consulted have objected to the disclosure of their respective notifications.

By 23 March 2018, 12 Member States have notified their respective penalty regimes to the European Commission pursuant to Article 45 of Regulation (EU) 2016/425. An additional Member State has provided its notification on 04 April 2018.

We enclose a copy of the documents, the details of which are listed in the attached document register, relating to the above subject matter.

Please note that documents originating from third parties, as defined in Article 3(b) of Regulation (EC) 1049/2001, are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

With respect to the documents originating from the Commission, i.e. notes, and emails, please note that these documents do not reflect the final position of the Commission. They cannot be quoted as reflecting the Commission's final position and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Additionally, a number of the above documents contain personal data: names, e-mail addresses, phone numbers and addresses.

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.

As to the handwritten signatures and other handwritten text, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

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 a version of the documents requested in which these personal data have been redacted.

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

---


<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 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.

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 5/288  
B-1049 Bruxelles or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Barbara Bonvissuto

Enclosure:

Table with the list of 44 documents falling within the scope of the request  
GestDem 2018-1778 documents.7z (letters, e-mails, notes)