



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

06 NOV. 2018

Brussels,
Grow C3/BB/ig ares 5943021

Mr Jan-Peter Kleinhans
Stiftung Neue Verantwortung
Berliner Freiheit 2
10785 Berlin
Germany

*By registered letter with
acknowledgment of receipt*

*Advance copy by email:
ask+request-5946-
5a327537@asktheeu.org*

Dear Mr Kleinhans,

Subject: Your application for access to documents – Ref GestDem No 2018/5271

We refer to your e-mail dated 19/09/2018 in which you make a request for access to documents, registered on 08/10/2018 under the above mentioned reference number.

You request access to:

Article 3 of Directive 2014/53/EU ("Radio Equipment Directive") states that "The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories or classes of radio equipment are concerned by each of the requirements set out in points (a) to (i) of the first subparagraph of this paragraph."

I would like to receive any document that relates to Article 3, Paragraph 3, Point (e) and (f) and the introduction of IT security requirements for certain types of products through delegated acts.*

** including but not limited to possible guidance given, proposals, memos, studies, notes, working group records or minutes since January 2016.*

DG GROW has identified all documents falling within the scope of the request. The documents identified are listed in the document register enclosed with this letter. We are glad to inform you that we grant full or partial access to the documents identified.

Please note that a number of documents (clearly identified in the document register) contained information on areas not relating to the request and therefore that content has been redacted.

Please note that documents originating from third parties, as defined in Article 3(b) of Regulation (EC) 1049/2001, 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.

With respect to the other documents, i.e. internal notes, briefings, minutes of meetings and letters sent by the Commission, 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-mails, 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

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

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

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.

¹ Official Journal L 8 of 12.1.2001, p. 1

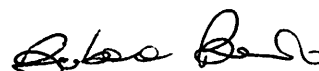
² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.

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

Yours sincerely,



Barbara Bonvissuto

Enclosure: Table with the list of documents
 Zip file