



EUROPEAN COMMISSION

Secretariat-General

Directorate C – Transparency, Efficiency and Resources
SG.C.1-Transparency, Document Management and Access to Documents

Brussels,
SG.C.1/ OD/rc -

By registered letter with AR

Mr Samuel Stolton
EURACTIV Brussels
International Press Centre
Boulevard Charlemagne 1
1041 Bruxelles
Belgium

Copy by email:
ask+request-8784-79d05fe0@asktheeu.org

Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2020/7252

Dear Mr Stolton

I refer to your e-mail of 11 January 2021, registered on 14 January 2021 in which you submit a confirmatory application in accordance with Article 7(4) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereafter ‘Regulation (EC) No 1049/2001’).

Your confirmatory application was submitted in relation to your initial application of 24 November 2020 in which you requested:

‘- All communication between the Commission's DG JUST and the United States Department of Commerce, on the subject of the EU-US data transfers, and specifically the Commission's 'modernized' Standard Contractual Clauses and a potential new EU-US data transfer accord to replace the now-defunct Privacy Shield. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts.’

¹ Official Journal L 145 of 31.5.2001, p. 43.

As you did not receive a reply from that Directorate-General within the statutory time limits, you submitted a confirmatory application on 11 January 2021, against the tacit refusal of access to the documents requested.

I note that on 5 February 2021 you received a reply from the Directorate-General for Justice and Consumers in which you were informed 20 documents that fell under the scope of your request had been identified. A complete disclosure of the documents was prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of the Regulation (EC) No 1049/2001 and/or by the exception concerning the public interest as regards international relations outlined in the third indent of Article 4(1)(a) of the Regulation (EC) No 1049/2001.

Against this background, the Secretariat-General will close your confirmatory application.

You are entitled to submit a new confirmatory application if you do not agree with the position of the Directorate-General for Justice and Consumers, included in its explicit reply of 5 February 2021.

Yours sincerely,

María Oliván Avilés
Head of Unit

