



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

Ecosystems IV: Mobility & Energy Intensive Industries

Mobility

Head of Unit

Brussels,
GROW I2/SPR/cds(2021)

Mr Peter Teffer
Ekko Voorkamer
Bemuurde Weerd WZ 3
3513 BH Utrecht
The Netherlands

Sent by email only to:

[ask+request-9558-
1f48723c@asktheeu.org](mailto:ask+request-9558-1f48723c@asktheeu.org)

Subject: Request for access to documents – GestDem No. 2021/3432 – First reply

Dear Mr Teffer,

Thank you for your e-mail of 25 May 2021 which was registered at the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission on 26 May 2021, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents as follows:

All documents discussing the implications of ECJ ruling C- 693/18 (on the interpretation of regulation 715/2007), including but not limited to:

- All e-mails between the European Commission and national type approval authorities / market surveillance authorities about the implications on previously given (partial) type approvals*
- All presentations by the Commission or member states (including national authorities)*
- All minutes of meetings on this subject*
- All internal Commission notes on the ruling*

Your e-mail specified the following: “The requested time frame is from the date of the ruling 17 December 2020, to the present”. Consequently, we have considered documents with a date up to and including 25 May 2021.

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

We have identified 26 documents falling under the scope of your request. The list of these documents is in annex. For the documents originating from the Member States, the

third-party consultations are still ongoing. You will receive a separate reply regarding these documents as soon as the third-party consultations have been completed. We apologise for the inconvenience.

3. DISCLOSURE OF 6 DOCUMENTS

Documents 1, 4, 5, 6, 10 and 12 are disclosed in their entirety, apart from the redaction of personal data.

The documents originate from the European Commission. You may reuse the documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and 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.

4. PROTECTION OF PERSONAL DATA

With regard to the documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;

Article 9(1)(b) of the Data Protection Regulation¹ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles,
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Joanna Szychowska

Annexes: Document register
Six documents