



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES  
Ecosystems IV: Mobility & Energy Intensive Industries  
**I2. Mobility**  
Head of Unit

Brussels,  
GROW I2/SPR/cds(2021)

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

*Sent by email only to:*

[ask+request-9927-  
ece05c26@asktheeu.org](mailto:ask+request-9927-ece05c26@asktheeu.org)

**Subject: Request for access to documents – GestDem No. 2021/5431 – Second reply**

Dear Mr Teffer,

referring to the letter of 22 October 2021, in which you were informed that you were receiving a partial reply to your access to documents request GestDem No. 2021/5431, I would now like to provide you with a follow-up reply.

With the first reply, 49 documents were disclosed of the 51 documents identified. For the following two documents, consultations with the Member States were still ongoing at the time the first follow-up reply was sent, and have now been concluded:

Nr.	Date of document	Reference Number	Sender	Addressee	Subject	Attachment(s)
28	20.10.2020	Ares(2020)6102956	Italy	European Commission, DG GROW	I: Sollecito della notifica del regime nazionale di sanzioni a norma dell'articolo 84 del regolamento (UE) 2018/858 relativo all'omologazione dei veicoli a motore	nota EC sanzioni e autorità reg 858-2018-signed.pdf

38	06.11.2020	Ares(2020)6932870	Poland	European Commission, DG GROW	RE: Przypomnienie o wymogu przekazania informacji na temat krajowego systemu sankcji, zgodnie z art. 84 rozporządzenia (UE) 2018/858 w sprawie homologacji typu pojazdów silnikowych	Odpowiedź na pismo KE.pdf
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## 1. DISCLOSURE OF TWO DOCUMENTS

Documents 28 and 38 are disclosed in their entirety, apart from the redaction of personal data. The documents originate from third parties. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third parties with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the documents.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from its reuse.

## 2. 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 Regulation<sup>1</sup> 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

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<sup>1</sup> 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.

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.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-signed)  
Joanna Szychowska

Annexes: 2 documents (4 PDF files)