Subject: Your application for access to documents – GESTDEM 2022/5111

Dear Mr. Neujeffski,

We refer to your e-mail received on 11 September 2022 in which you make a request for access to documents and your email of 19 September 2022 clarifying your request, registered the same day under the above-mentioned reference number.

You initially requested access to:

1. Letters of formal notice or draft letters of formal notification by the European Commission or any other communication between the European Commission and the Danish government, regarding the ban of flavoured tobacco products (here is a link to the ban: https://urldefense.com/v3/__https://www.sik.dk/en/business/legal-guides/tobacco/marketing-ban-particular-types-tobacco__;!!DOxrgLBm!Hq-5T0DxutauMkfU7IRbTZITuV9evXa5fj_zR5om77OXGARMM3IEdfrErUTAp4x88YUpRbb1lodf_1Nv-wnhTghf75_ijRXO_ETl5D1L2o2S__).

2. A list of meetings and communications (including E-mails) between the European Commission and representatives of the tobacco industry such as the Danish Vapers Association (DADAFO), regarding the above mentioned Danish government’s ban of flavoured tobacco products.

With the following clarification:

“In terms of my first question I am requesting any and all correspondence (including email) between DG GROW and the Danish government regarding the ban of flavoured tobacco products by the Danish government. This may or may not include (draft) letters of formal notice sent by the Commission as part of potential EU infringement procedures (https://ec.europa.eu/info/law/law-making-process/applying-eu-law/infringement-procedure_en ).

Commission européenne/ Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIÉ – Tel. +32 22991111
Regarding the levels of meeting and communications please focus on DG GROW. In case such a list of meetings and correspondence does not exist, I believe that composing such an overview list is within the scope of a FOI request.”

We regret to inform you that the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) does not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by DG GROW, DG GROW is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make 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 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Kerstin Jorna
Director-General

Electronically signed