



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
SG.D.1 - Digital Transition, Industry & Single Market

Brussels
SG.D.1

Christophe Van Gheluwe
Rue Lie de Vin, 1 à 5542
Blaimont
Belgium

E-mail:
ask+request-11919-eb404245@asktheeu.org

Dear Mr Van Gheluwe,

Subject: Your application for access to documents – GESTDEM 2022/5708

We refer to your e-mail sent on 5 October 2022 and registered on 7 October 2022 in which you make a request for access to documents, under the above-mentioned reference number.

Please note that your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General¹. This reply relates only to the documents held by SG. You will receive the replies from the other respective Directorates-General in due course.

You requested access to “all documents including but not limited to correspondence, emails, minutes, notes (handwritten or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations” related to:

Accès à l'information demandé : “Plainte(s) visant directement ou indirectement tout ou partie du groupe VOLKSWAGEN.”

Your request concerns the document Ares(2021)4882791. However, having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain relate to an ongoing investigation regarding a possible infringement of EU law (CHAP(2021)03319). Disclosure of the documents requested would undermine the protection of the purpose of the ongoing investigation; indeed, disclosure of the document at this point in time would affect the climate of mutual trust between the authorities of the Member State and the Commission, which is required to enable them to resolve the case without having to refer it to the Court of Justice. Therefore the exception laid down in Article 4(2) third indent of Regulation (EC) No 1049/2001 applies to this document.

¹ DG JUST (2022/5783), DG COMP (2022/5784).

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal ²account (available only for initial requests submitted via the portal account),

or by mail:

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

Please kindly send an acknowledgement of the receipt of this reply.

Yours sincerely,

(e-signed)

Elisa Roller
Director

² <https://www.ec.europa.eu/transparency/documents-request>