



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.B.1

Mr. Moritz Neujeffski
Heidebrinker Straße 10
13357 Berlin
Germany

By email: ask+request-12155-70a51822@asktheeu.org

Subject: Your application for access to documents – 2022/6605

Dear Mr. Neujeffski,

We refer to your e-mail registered on 15 November 2022 in which you make a request for access to documents and your e-mail of 21 November 2022 clarifying your request, registered the same day under the above-mentioned reference number.

You initially requested access to:

1. *Complaints by the (Estonian) "Soft Drink Producers' Union" to the European Commission regarding the introduction of a national sugar-sweetened beverage tax in Estonia in 2017.*
2. *A list of further correspondence between the Soft Drink Producers' Union and the European Commission regarding the Sugar-sweetened beverage tax in Estonia.*
3. *Letters of formal notice or draft letters of formal notification by the European Commission or any other communication between the European Commission and the Estonian government regarding the sugar-sweetened beverage tax.*

The background to the request is the following: A newspaper article from 2017 claimed that: "The Soft Drink Producers' Union has decided to turn to the European Commission regarding the planned tax on sweetened beverages as they find that the tax would constitute prohibited state aid"
[https://urldefense.com/v3/_https://web.archive.org/web/20190811194454/https://news.erre.ee/596815/soft-drinkproducers-take-sugar-tax-matter-to-european-commission_!!DOxrgLBm!Hhy2Hi7yhy4mdOq9YZsnG97NnxaxCypT5PzHF1XZgc43V0qFMXYq9X_VuyUbtPtaCS7sBzEdfcs5K2sliyRcNTCzDrBC3hS3J2sFL6nQRm0\\$](https://urldefense.com/v3/_https://web.archive.org/web/20190811194454/https://news.erre.ee/596815/soft-drinkproducers-take-sugar-tax-matter-to-european-commission_!!DOxrgLBm!Hhy2Hi7yhy4mdOq9YZsnG97NnxaxCypT5PzHF1XZgc43V0qFMXYq9X_VuyUbtPtaCS7sBzEdfcs5K2sliyRcNTCzDrBC3hS3J2sFL6nQRm0$)

With the following clarification:

1. *My only information is from a report stating that "The Soft Drink Producers' Union has decided to turn to the European Commission regarding the planned tax on sweetened beverages " (see link below).*
2. *I mean DG GROW.*

3. I was referring to letters of notification under the infringement procedure. I unfortunately do not have a reference number.

4. Here is a second link: [https://urldefense.com/v3/https://news.err.ee/596815/soft-drink-producers-take-sugar-tax-matter-to-european-commission_!!DOxrgLBm!B1grJRznQXM0YIFJK6JOpHWwDW5xOfkhpPcqE2QK1cGfEOtS2j6IbEYldqkD_Z7iQp6SEIBryCWpz1YE3yQzmBxuXHV1GN5n1Au8OYvcuL-Vpak\\$](https://urldefense.com/v3/https://news.err.ee/596815/soft-drink-producers-take-sugar-tax-matter-to-european-commission_!!DOxrgLBm!B1grJRznQXM0YIFJK6JOpHWwDW5xOfkhpPcqE2QK1cGfEOtS2j6IbEYldqkD_Z7iQp6SEIBryCWpz1YE3yQzmBxuXHV1GN5n1Au8OYvcuL-Vpak$)

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 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 portal¹ account (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

Yours faithfully,

Electronically signed

Kerstin Jorna
Director-General

¹ <https://www.ec.europa.eu/transparency/documents-request>