



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
General Affairs and Resources
Legal Affairs

Brussels,
MARE/E4

Mr Peter Teffer
ask+request-12607-927c328a@asktheeu.org

Subject: Your application for access to documents – EASE 2023/1062

Dear Mr Teffer,

We refer to your request for access to European Commission documents registered on 15 February 2023 under the above-mentioned reference number.

In your application, you request access to all communication between the European Commission and the Netherlands regarding audits of EMFF and/or EMFAF since 2021, as well as any internal Commission communications on, and/or assessment of, the follow-up actions taken by the Netherlands in response to audit reports, since 2021.

The following documents fall within the scope of your application:

- **Document 1:** Notification letter NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 – Ref. Ares(2021)5703971
- **Document 2:** Postponement letter NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 – Ref. Ares(2021)7092746
- **Document 3:** Cover letter Draft Audit Report NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 – Ref. Ares(2022)4225437
- Document 3.1 (Annex):** Draft Audit Report NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 - Ref. Ares(2022)4225437
- **Document 4:** NL Reply to Draft Audit Report Audit Mission No. 2021/NL/datacollectie/MARE/E1 – Ref. Ares(2022)5323040
- **Document 5:** Cover letter Final Audit Report NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 – Ref. Ares(2022)6091232
- Document 5.1 (Annex):** Final Audit Report NL Audit Mission No. 2021/NL/datacollectie/MARE/E1 - Ref. Ares(2022)6091232

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 (hereinafter “Regulation”), I have come to the conclusion that they may be only **partially disclosed**. Some parts of said documents have been blanked out as their disclosure is prevented by the exception

concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of the Regulation, 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;
- other information relating to an identified or identifiable natural person.

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 any 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 the Regulation, 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.

You can reuse the documents requested 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 document. Please note that the Commission does not assume liability stemming from the reuse.

Please note that document 4 originates from the Dutch authorities, who have been consulted and agreed to the disclosure, and is disclosed to you based on the Regulation. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

In accordance with Article 7(2) of the Regulation, 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:

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.

by asking for a review via your portal² 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,

Martina Doppelhammer
Head of Unit

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