



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION

Banking, Insurance and Financial Crime
Insurance and pensions

Brussels

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M. Moritz Neujeffski,

E-mail : [ask+request-12729-
ea5b2be6@asktheeu.org](mailto:ask+request-12729-ea5b2be6@asktheeu.org)

Dear M. Neujeffski,

Subject: Your application for access to documents - Request for access to documents registered under case number EASE 2023/1580

We refer you to your request for access to European Commission documents registered on 10 March 2023 (ref. Ares(2023)1792135 - 13/03/2023) under the above-mentioned reference number and the pursuant holding replies.

You have requested access to information, under Article 15 of the TFEU and, where applicable, Regulation 1049/2001, for the documents regarding *Case INFR(2008)4268*: specifically, the complaint that led to the opening of the infringement procedure, the formal notice from 20/11/2009, and the decision of the case.

We hereby enclose the requested documents.

With regard to all documents a complete disclosure 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 personal data.

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.

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.

Consequently, we conclude that pursuant to the combined provision of the Articles and Regulations quoted above, access cannot be granted to the personal data contained in the requested documents.

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 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 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 sincerely,

(e-signed)

Head of Unit D4 – Insurance and
Pensions

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