By e-mail

Mr Fred Logue

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Subject: Request for access to documents.

Ref.: Your request received on 3 July 2023 under reference 2023/3811.

I refer to your application under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, by which you request access to “all of the written pleadings including annexes in case C-444/21, Commission v Ireland”.

In accordance with the fair solution proposal agreed upon by email of 10 July 2023, this reply concerns the main pleadings in Case C-444/21.

1. **IDENTIFICATION OF THE DOCUMENTS REQUESTED**

After examination of the Legal Service’s files, the following submissions have been identified as matching the terms of your request:

1. Commission’s Application;
2. Ireland’s Defence;
3. Commission’s Reply;
4. Ireland’s Rejoinder;
5. Germany Statement in Intervention;
6. Commission’s observations on Germany Statement in Intervention.

2. **ASSESSMENT OF THE WRITTEN SUBMISSIONS OF THE COMMISSION (DOCUMENTS 1, 3 AND 6)**

After a concrete assessment of the documents requested, I am pleased to inform you that access can be granted, with the exception of some personal data in accordance with Article 4 (l)(b) of Regulation (EC) No 1049/2001, as will be explained below.

Accordingly, please find enclosed a redacted copy of the Commission’s submissions in English, the language of the proceedings.

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2 Judgment of the Court of Justice of 29 June 2023, C-444/21, Commission v Ireland (Protection des zones spéciales de conservation), ECLI:EU:C:2023:524.
3 Ares(2023)4769465.
3. **ASSESSMENT OF THE WRITTEN SUBMISSIONS OF THE THIRD PARTIES (DOCUMENTS 2, 4 AND 5)**

As far as the written submissions of the other parties are concerned, the Commission has consulted the authors of the respective documents on their disclosure, in accordance with Article 4(4) of Regulation (EC) No 1049/2001.

Following these consultations, I would like to inform you that the Governments of **Ireland** and **Germany** have agreed to the disclosure of their submissions (documents 2, 4 and 5).

Please note that **some personal data** have been deleted in the documents disclosed, in accordance with Article 4 (l)(b) of Regulation (EC) No 1049/2001, as will be explained below in point 4.

Accordingly, please find enclosed a redacted copy of documents 2 and 4 in English, the language of the proceedings, and a redacted copy of the English translation\(^4\), made by the services of the Court, of document 5.

Please also be informed that the documents disclosed were transmitted by the Court of Justice to the Commission in its capacity as participant in the Court proceedings. Access to them is granted for information only and they cannot be re-used without the agreement of the originators, who may hold the copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

4. **PROTECTION OF PERSONAL DATA (DOCUMENTS 1 TO 6)**

As stated above, some personal data have been redacted in the documents disclosed since they are covered by the exception provided for in Article 4 (l)(b) of Regulation (EC) No 1049/2001, in accordance with the European Union legislation regarding the protection of personal data.

The redacted information consists of:

- the parts of the first names of the Commission’s officials not indicated in the judgment (documents 1, 3 and 6);
- the parts of the first names of the lawyers representing the Governments of **Ireland** and **Germany** not indicated in the judgment (documents 2, 4 and 5);
- the contact details of the lawyers representing the Government of **Germany** (document 5).

In the present case, it has not been established that it is necessary to have these data transmitted for any specific purpose in the public interest (Article 9(1)(b) of the Data Protection Regulation, i.e. Regulation (EU) No 2018/1725\(^5\)).

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\(^4\) The original language of documents 5 is German.

Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subjects’ legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure could result in identifying the data subjects and consequently would harm their privacy and subject them to unsolicited external contacts.

Please note that the exception under Article 4(1)(b) does not envisage the possibility of demonstrating the existence of an overriding public interest under Regulation (EC) No 1049/2001.

5. MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretariat-General at the following address:

European Commission
Secretariat-General
BERL 7/076
B-1049 Brussels

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

Yours sincerely,

[signed electronically]
Daniel CALLEJA
p.p. Hannes KRAEMER

Attachments: 6