Subject: Your application for access to documents – EASE 2023/7021

Dear Madam,

We refer to your email dated 24 November 2023 wherein you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation 1049/2001’), registered on 26 November 2023. We also refer to our holding reply, dated 18 December 2023, our reference Ares(2023) 8666960 whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

Your application reads as follows:

"Dear DG Communications Networks, Content and Technology

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am submitting the following access to documents request.

I seek access to the documents that contain the information regarding Directive (EU) 2018/1972 on the European Electronic Communications Code (EECC):
- Reports submitted to the Communication Committee on consultations held by the Commission with the representatives of network operators, service providers, users, consumers, manufacturers and trades unions, as well as third countries and international organisations, as per EECC Article 119.1.

- Copies of Member State notices submitted to the Commission, and subsequently given to the Communication Committee, with information regarding the implementation of the EECC as made publicly available by 21 December 2020 and updated upon subsequent changes as per EECC Article 120.

I would also be grateful if you could direct me to the relevant European Commission web page where I can find more information about the activities of the Communication Committee.

I also ask, as part of this request, that you provide me with a document that contains the list of members of the Communication Committee.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

We have identified the following documents in relation to the points of your application:

- Summary report of the 82nd meeting of the Communications Committee on 24 November 2020, Ares(2023)4399270 (‘Document 1’)
- Summary report of the 88th meeting of the Communications Committee of 13 June 2023, Ares(2024)291534 (‘Document 2’)
- List of members of the Communication Committee, Ares(2024)292943 (‘Document 3’)
- Summary report of the 83rd meeting of the Communications Committee of 16 February 2021, Ares(2023)4399047 (‘Document 4’)
- Summary report of the 84th meeting of the Communications Committee of 21 September 2021, Ares(2024)296283 (‘Document 5’)
- Summary report of the meeting of the Communications Committee of 16 November 2021, Ares(2023)2658862 (‘Document 6’)
- Summary report of the 86th meeting of the Communications Committee of 21 June 2022, Ares(2024)291425 (‘Document 7’)
- Summary report of the 87th meeting of the Communications Committee of 27 September 2022, Ares(2024)290960 (‘Document 8’)

In addition, we have identified the document ‘Questions and Answers on the EECC’, Ares(2024)299341 (‘Document 9’). This publicly available document, dated 23 December 2023, goes beyond the cut-off date of your request, i.e. 24 November 2023, however we have included it in our reply, as we consider that it may be of your interest.

Please note that the activities and all related documents of the Communication Committee are being publicly available via the following links:
3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001, we have arrived at the conclusion that full access can be granted to four documents whilst partial access is granted to the remaining documents as their disclosure is prevented by the exception to the right of access laid down in Article 4(1)(b) of Regulation 1049/2001.

A. Full disclosure

Documents 1-3 and 9 are being fully disclosed.

With regard to Document 3, it is noted that it has been extracted from a European Commission’s database after the removal of personal data to which access cannot be granted for the reasons set out in Section B.

B. Partial disclosure - Protection of privacy and integrity of the individual

Full disclosure of the remaining documents is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- Names, initials and contact details of Commission staff members not pertaining to the senior management

Article 9(1)(b) of the Data Protection Regulation\(^1\) 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) Regulation 1049/2001, 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.

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4. **REUSE OF DOCUMENTS**

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of the Commission documents. You may reuse the disclosed documents free of charge and 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

5. **CONFIRMATORY APPLICATION**

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

**by asking for a review via your portal (²) 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]

Martin Schauer  
Head of Unit

Enclosures: (10)