Dear Sir,

We are writing concerning your request for access to Commission documents registered on 28/2/2024 under case number EASE 2024/1116.

Your application reads as follows:

‘Dear Secretariat General of the European Commission,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

I am asking what the Commission - according to its internal documents - thought when drafting Article 29 (2) Data Act and the obvious deviation from what became Article 50 Data Act. The published materials are mood on this point. So I request each and every document under the Freedom of Information Regulation pertaining to the drafting of what became Article 29 (2) Data Act and the same materials concerning Article 50 Data Act.

In the same vein I ask access to each, and any documents made in preparation and execution of the adequacy decision regarding the GDPR and the USA. But limited to two issues: First, documents containing the reasoning why the Commission chose to issue a Decision directed to the Member States and not a Decision towards the general public. Second, copies of the official documents the Commission sent to the Member States.’

Please note that your request was split with DG JUST for the second part of your request referring to the GDPR. DG JUST is dealing with your request under case number EASE 2024/1415. The present correspondence only relates to the first part of your request which is dealt with by DG CONNECT under case number EASE 2024/1116.

The description given in the first part of your request, i.e. in relation to the drafting of what became Article 29(2) and Article 50 of the Data Act does not enable us to identify specific documents that you would like to receive.

Please note in this respect that the ‘deviation’ concerning the time periods in Article 29(2) and Article 50, to which you are referring in your request was already present in the Commission proposal (COM(2022)68 final of 23 February 2022. The ‘deviation’ was not identified by any party during the preparations of the proposal nor during the negotiations with the co-legislators. Therefore, there are no documents that would shed light on this matter. In this regard you can obtain further information by contacting unit E.2 of DG CONNECT (Email address: xxxxxxxx@xx.xxxxxx.xxx ). Should you be referring to any other ‘deviation’, we ask you to please specify which ‘deviation’ you are referring to.

In line with Article 6(2) of Regulation (EC) No 1049/2001 regarding public access to documents, we invite you to send us more detailed information on the documents you request. In accordance with Article 2(3) of Implementing Rules to Regulation 1049/2001, the 15 working days to reply to your request will start running only when you reply to this message.

In case you do not reply within 7 working days, we are going to close this case.

Kind regards,