Subject: Request for access to documents
Ref.: Your request of 2 May 2024 registered under reference EASE 2024/2290.

Dear Ms. Berthélémy,

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 “the written observations of the European Commission in Case C-470/21, La Quadrature du Net and Others v Premier Ministre, Ministre de la Culture”.

1. ASSESSMENT OF THE COMMISSION WRITTEN OBSERVATIONS

After a concrete assessment of the Commission’s written observations, I am pleased to inform you that access can be granted, with the exception of some personal data in accordance with Article 4 (1)(b) of Regulation (EC) No 1049/2001, as will be explained below.

Accordingly, please find enclosed a redacted copy of the French version, the language of the proceedings, of the document requested. Please note that an English version is not available.

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2. PROTECTION OF PERSONAL DATA

As stated above, some personal data have been redacted in the document disclosed since they are covered by the exception provided for in Article 4 (1)(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.

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). Therefore, the European Commission does not have to

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2 Judgment of the Court of Justice of 30 April 2024, T-549/19, La Quadrature du Net and Others (and lutte contre la contrefaçon), ECLI:EU:C:2024:370.
3 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
examine whether there is a reason to assume that the data subject’s 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 in particular subject them to unsolicited external contacts.

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

3. **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 address below:

European Commission  
Secretariat-General  
Unit C.1. ‘Transparency, Document Management and Access to Documents’  
BERL 7/076  
B-1049 Brussels

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

Yours sincerely,

[signed electronically]

Daniel CALLEJA

Attachment: 1

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