



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Automotive and Mobility Industries
Head of Unit

Brussels, 19. 10. 2016
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Mr Peter Teffer
Rue Montoyer 18B
1000 Brussels
Belgium

Sent by email only:
[ask+request-3303-
7a154a99@asktheeu.org](mailto:ask+request-3303-7a154a99@asktheeu.org)

Subject: Requests for access to documents – GESTDEM No. 2016/5167

Dear Mr Teffer,

Thank you for your e-mail dated 13 September 2016 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 15 September 2016, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents falling under the following scope:

"- A list of which member states have notified to the European Commission the implementation of the provisions on penalties, as required by article 72 of regulation (EU) No 167/2013, of 5 February 2013

- The content of all member states' notifications of the provisions on penalties, as required by article 72 of regulation (EU) No 167/2013, of 5 February 2013.

- The content of any communication from the European Commission to member states about the provisions on penalties from article 72 of the same regulation."

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

We have identified eight documents falling under the scope of your request. The documents are listed in the enclosed document register, which also provides the reply to your first question.

3. DISCLOSURE OF THE REQUESTED DOCUMENTS

Access is granted to the eight documents identified.

Document 5 originates from the European Commission. You may reuse the document free of charge 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 document. Please note that the Commission does not assume liability stemming from the reuse.

The other documents originate from third parties. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third parties with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the documents.

Please note that the documents received from third parties are disclosed for information only and cannot be re-used without the agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

The documents being released contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

Yours sincerely,



Joanna Szychowska

Annexes: Document register
Zipped file of documents