



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media Policy  
Copyright

Brussels,  
CONNECT/I2/VD/Ib (2018)

Mr. Mathias Schindler,  
Bundestagsbüro Julia Reda, MdEP  
Unter den Linden 50  
11011 Berlin  
Germany

*by email:* [ask+request-5122-  
xxxxxxxx@xxxxxxxx.xxx](mailto:ask+request-5122-xxxxxxxx@xxxxxxxx.xxx)

**Subject: Your application for access to documents – Ref GestDem No 2018/0811**

Dear Mr. Schindler,

I refer to your mail dated 05/02/2018 in which you make a request for access to documents, registered on 08/02/2018 under the above-mentioned reference number. I also refer to the holding reply sent on 28/02/2018 and to the calls you had with my colleagues on 27/02/2018 and on 27/03/2018.

### 1. SCOPE OF YOUR APPLICATION

You request access to:

*"Any document since 2015 that relates to an ancillary copyright ("Leistungsschutzrecht" für Presseverleger), both referring to existing or proposed laws in EU Member states as well as any information relating to the introduction of such right into EU legislation. For your assistance, the information sought for is sometimes called "publishers' right", "neighbouring right" or similar.*

*In case documents are classified or cannot be released because of exceptions or special treatment, I am asking for the name and the reference number of this document.*

*I am especially but not exclusively looking for information in the form of proposals, memos, studies, notes, meeting records, letters to Commissioner Oettinger and his successors and Cabinet staff members dealing with EU copyright and the protection of press publishers by application or amendment of EU copyright law. I do not consent to any narrowing of the scope or to the discarding of information if it is considered "unimportant" or has not yet been filed, archived or registered. This includes draft notes and internal correspondence.*

*If information under the scope of regulation 1049/2001 is not held by DG CNECT but by the Commission, the Commissioner or another DG or Commission unit, I would like this information to be included in this request.*

*In order to prevent duplication of work, the request refers to documents that were not released via the Access to Documents request 2016/4441."*

## **2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST**

I consider your request to cover documents from 08.08.16 until the date of your application (i.e. 05/02/2018).

As agreed with you, we send you today a first list of documents falling within the scope of your request contained in Annex I. You will do our best to send you the rest of the documents falling within the scope of your request by the end of April as agreed.

### **Documents contained in Annex I**

Following an examination of these documents n° 1 to 18 and taking into account the consultation of third parties according to which they did not object to their disclosure, I have come to the conclusion that all these documents may be partially disclosed, only expunged from personal data. I enclose a copy of them in Annex I.

Documents n° 1 to 12 are letters sent by the Commission to third parties. Documents n° 13 to 18 are letters and documents sent by third parties to the Commission. Please note that the documents received by the Commission from third parties are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

Certain parts of these documents containing personal data of Commission officials or third persons have been expunged. Their disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Union legislation regarding the protection of personal data (Article 4(1)(b) of Regulation 1049/2001). The applicable legislation in this field is Regulation 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 data (hereinafter "Regulation 45/2001")<sup>1</sup>.

When access is requested to documents containing personal data, Regulation 45/2001 becomes fully applicable<sup>2</sup>. According to Article 8(b) of Regulation 45/2001, 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.

I 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 a version of the above mentioned documents in which these personal data have been redacted.

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> 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 (following the procedure specified at the bottom of this letter) requesting the Commission to review this position.

### **Other publicly available documents**

In addition, I would like to inform you that the website of the Commission contains extensive information on the [modernization of EU copyright rules](#) (e.g. proposals adopted by the Commission, impact assessment accompanying the proposal, studies and public consultations). I invite you to consult these pages which are regularly updated (particularly the [news](#) section).

Several parliamentary questions for which the Commission has provided an answer are also related to the object of your request. Please find below a table with their references as well as a link to the Commission's answer.

Reference	MEP	Question	Answer
E-007431-16	Giulia Moi	<a href="#">Digital single market and tax on content</a>	<a href="#">Joint answer given by Vice-President Ansip on behalf of the Commission</a>  <a href="#">Written questions: E-007431/16 , E-008702/16</a>
E-008136-16	Dubravka Šuica	<a href="#">Free online information</a>	<a href="#">Answer given by Mr Oettinger on behalf of the Commission</a>
E-005931-16	Daniel Dalton	<a href="#">Commission consultation on ancillary copyright</a>	<a href="#">Answer given by Mr Oettinger on behalf of the Commission</a>
E-008707-16	Anneleen Bossuyt, Loones Van Sander	<a href="#">Directive 2001/29/EC and payments to publishers</a>	<a href="#">Answer given by Vice-President Ansip on behalf of the Commission</a>
E-008847-16	Syed Kamall	<a href="#">Concerns about copyright fees in the Digital Single Market</a>	<a href="#">Answer given by Vice-President Ansip on behalf of the Commission</a>
E-000837-17	Franz Obermayr	<a href="#">EU copyright law</a>	<a href="#">Answer given by Vice-President Ansip on behalf of the Commission</a>
E-003148-17	Nessa Childers	<a href="#">Civil society's views on ancillary rights in response to the public consultation on the role of publishers in the copyright value chain</a>	<a href="#">Answer given by Vice-President Ansip on behalf of the Commission</a>
E-005439-17	Nessa Childers	<a href="#">Neighbouring rights, media staff pay and journalistic investment</a>	<a href="#">Joint answer given by Ms Gabriel on behalf of the Commission</a>

### 3. 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 the above positions.

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 Brussels

or by email to: [xxxxxxxxxx@xx.xxxxxx.xx](mailto:xxxxxxxxxx@xx.xxxxxx.xx)

Yours faithfully,

*'e-signed'*  
Marco GIORELLO  
Head of Unit