



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

Ecosystems IV: Mobility & Energy Intensive Industries

I2. Mobility

Head of Unit

Brussels,
GROW I2/SPR/cds(2021)

Mr Peter Teffer
Ekko Voorkamer
Bemuurde Weerd WZ 3
3513 BH Utrecht
The Netherlands

Sent by email only to:

ask+request-9927-

ece05c26@asktheeu.org

Subject: Request for access to documents – GestDem No. 2021/5431 – First reply

Dear Mr Teffer,

Thank you for your e-mail of 13 September 2021 which was registered at the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission on the same day, 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 as follows:

- 1. All communication between the European Commission and member states about the obligation to inform the Commission by 1 September 2020 of penalties required by article 84 of Regulation 2018/858, since 1 September 2020.*
- 2. All notifications from Member States about the obligation to inform the Commission by 1 September 2020 of penalties required by article 84 of Regulation 2018/85.*
- 3. Any Commission communication, reports or analyses of the contents of the above-mentioned notifications.*

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

We have identified 51 documents falling under the scope of your request. The list of these documents is in annex. For two documents originating from Member States (documents 27 and 38), the third-party consultations are still ongoing. You will receive a separate reply regarding these documents as soon as the third-party consultations have been completed. We apologise for the inconvenience.

3. DISCLOSURE OF 49 DOCUMENTS

Documents 1-27, 29-37 and 39-51 are disclosed in their entirety, apart from the redaction of personal data.

Documents 5–26 and 46 originate from the European Commission. You may reuse the documents 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

Documents 1-4, 27-45 and 47-51 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 documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

4. PROTECTION OF PERSONAL DATA

With regard to the documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;

Article 9(1)(b) of the Data Protection Regulation¹ 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 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) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested

¹ 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 agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

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.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Bruxelles,
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Joanna Szychowska

Annexes: Document register
49 documents (90 PDF files)