



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

The Director-General

Brussels, 09/08/2022
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*By registered letter with acknowledgment
of receipt*

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Subject: Your application for access to documents – GESTDEM 2022/4268

Dear Sir,

We refer to your request for access to documents, registered on 25 July 2022 under the above mentioned reference number.

Following the publication of the first report on application and functioning of the Data Protection Law Enforcement Directive (EU) 2016/680 (LED), you requested access to:

- The contributions and positions of national data protection supervisory authorities;
- The 17 contributions from civil society organisations which were on topic; and
- The observations of the German Presidency of the Council (Report by the Presidency of the Council of the European Union on the exchange of police data with third countries - experiences in the application of Article 37 of the Law Enforcement Directive, December 2020).

With respect to the first item requested, we enclose a link to the contributions and positions of national data protection supervisory authorities: https://edpb.europa.eu/individual-replies-data-protection-supervisory-authorities-european-commissions-evaluation-led_en

With respect to the second item requested, we regret to inform you that the Commission does not hold such documents. The Fundamental Rights Agency (FRA) carried out the survey for the Commission and the Commission didn't receive any individual replies.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your

request. We can, however, provide you with a summary of the replies to the survey FRA carried out.

With respect to the third item requested we can provide the document.

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.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled 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 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 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Ana Gallego
(e-signed)