



EUROPEAN COMMISSION

LEGAL SERVICE
The Director General

By email

Mr Fred Logue
8/10 Coke Lane
Smithfield
Dublin 7 - Ireland

[ask+request-12404-
6ca2bf0d@asktheeu.org](mailto:ask+request-12404-6ca2bf0d@asktheeu.org)

Subject: Request for access to documents

Ref.: Your request of 9 January 2023 registered under reference 2023/0136.

Dear Mr Logue,

I refer to your above-mentioned application for access to documents under Regulation (EC) No 1049/2001¹, by which you request access to the “*written observations of the European Commission and the Government of Ireland in Case C-826/18, Stichting Varkens in Nood e.a*”².”.

1. WRITTEN OBSERVATIONS SUBMITTED BY THE EUROPEAN COMMISSION

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

Accordingly, please find enclosed a redacted copy of the French version³ of the document requested. Please note that an English version is not available.

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¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31.05.2001, page 43).

² Judgment of the Court of Justice of 14 January 2021, C-826/18, *Stichting Varkens in Nood e.a*, ECLI:EU:C:2021:7.

³ Dutch was the language of the proceedings.

2. WRITTEN OBSERVATIONS SUBMITTED BY THE GOVERNMENT OF IRELAND

Please note that, following a previous request for access, the written observations of the Government of Ireland in Case C-826/18 have already been disclosed, with the exception of some personal data, as will be explained below.

Accordingly, you will find enclosed a redacted copy of the original English version of the requested document.

Please also note that the disclosed document was transmitted by the Court of Justice to the Commission in its capacity as participant to the Court proceedings at stake and access to it is granted for information only. It cannot be re-used without the agreement of the originator, who holds a copyright on them. It does not reflect the position of the Commission and cannot be quoted as such.

3. PROTECTION OF PERSONAL DATA

As stated above, some personal data have been redacted in the documents 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 and of the lawyers representing the Government of Ireland not indicated in the judgment as well as the contact details of the lawyers representing the Government of Ireland.

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 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 subject them to unsolicited external contacts.

Please note that the exception of Article 4(1)(b) has an absolute character and does not envisage the possibility of demonstrating the existence of an overriding public interest.

4. 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

Attachments: 2