



EUROPEAN COMMISSION

LEGAL SERVICE
The Director-General

Brussels,

By e-mail

Ms Chloé Berthélémy

ask+request-12792-4bed7020@asktheeu.org

Subject: Request for access to documents

Ref.: Your request of 28 March 2023 registered under reference 2023/1930.

Dear Ms Berthélémy,

I refer to your application under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹, by which you request access to “the written observations of the European Commission in Case C-205/21, *V.S. v Ministerstvo na vatreshnite raboti*”²”.

1. ASSESSMENT OF THE COMMISSION WRITTEN OBSERVATIONS

After a concrete assessment of the Commission’s written observations, I am pleased to inform you that access can be granted, with the exception of some personal data in accordance with Article 4 (1)(b) of Regulation (EC) No 1049/2001, as will be explained below.

Accordingly, please find enclosed a redacted copy of the Commission’s submissions in French³. Please note that an English version is not available.

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2. 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 Commission’s officials not indicated in the judgment.

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,

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 L 145, 31.05.2001, page 43).

² Judgment of the Court of Justice of 26 January 2023, C-205/21, *Criminal proceedings against V.S.*, ECLI:EU:C:2023:49.

³ Bulgarian was the language of the proceedings.

i.e. Regulation (EU) No 2018/1725⁴). 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.

3. 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
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

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

Yours sincerely,

[signed electronically]
Daniel CALLEJA

Attachment: 1

⁴ 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 205 of 21.11.2018, page 39).