



EUROPEAN COMMISSION

LEGAL SERVICE
The Director General

Brussels,

Mr Rejo Zenger
Bits of Freedom
Bickersgracht 208
1013 LH Amsterdam
Netherlands
[ask+request-2220-
5f3935e8@asktheeu.org](mailto:ask+request-2220-5f3935e8@asktheeu.org)

Subject: Your application for access to documents – Ref GestDem No 2015/6091

Dear Mr Zenger,

I refer to your access to documents request addressed to DG HOME registered on 14 September 2015 under GestDem number 2015/4828. The DG HOME colleagues contacted the Legal Service (LS) asking to analyse the 7 following LS documents which they identified as falling into the scope of your request 2015/4828 and which are related to the infringement case before the Court of Justice C-329/12 Commission c/ Germany.

We registered your request on 20 November 2015 under GestDem number 2015/6091 and analysed the documents according to Regulation (EC) N° 1049/2001¹:

1. LS email to DG HOME of 30 May 2011 concerning 3 infringement cases
2. Note of 13 March 2012 to DG HOME on infringements cases 2011/2091, 2011//2089 and 2011/1143 (Ares(2012)293522)
3. LS note to Director General Mr Manservigi, DG HOME of 8 May 2012 (ARES(2012)566248)
4. Commission application of 11 July 2012 (Ares(2012)847337)
5. LS request for comments of 26 September 2012 to DG HOME (Ares(2012)1120659)
6. Commission reply of 3 December 2012 (Ares(2012)143249)
7. Note of 4 March 2013 to DG HOME (Ares(2013)283019)

After a concrete assessment of these documents, I am pleased to inform you that, in accordance with Regulation 1049/2001, full access can be granted to the documents with

¹ Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.05.2001, page 43).

the exception of the names, offices and telephone numbers of non-senior officials as well as handwritten signatures of all civil servants. These data are blanked out since they are covered by the exception provided for in Article 4(1)(b) ("*protection of personal data*")² of Regulation 1049/2001.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

According to Article 8(b) of this Regulation, 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/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

Therefore you will find attached redacted copies of these documents. You may reuse the documents to which we grant access to and as they are sent to you, free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. The Commission does not assume liability stemming from the reuse.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the position regarding the refused personal data.

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-5
BERL 5/327

B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Luis ROMERO REQUENA

Enclosures: 7 documents (personal data redacted)

² *"The institutions shall refuse access to a document where disclosure would undermine the protection of: [...] (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".*

³ *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.*