



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains  
**Advanced Engineering and Manufacturing Systems**  
Head of Unit

18 JAN. 2019

Brussels,  
GROW C3/RV/ig Ares 7232555

Ms SZCZEPANSKA  
ul. Ludwinowska 1/12  
02-856 Warszawa  
Poland

*By registered letter with  
acknowledgment of receipt*

*Advance copy by email:  
ask+request-6102-  
16b8f6f6@asktheeu.org*

**Subject: Your application for access to documents – Ref GestDem No 2018/6240**

Dear Ms SZCZEPANSKA,

We refer to your e-mail dated 07/11/2018 in which you make a request for access to documents, registered on 26/11/2018 under the above mentioned reference number.

You request access to:

*“- A list of which member states have notified the European Commission on the implementation of the provisions on penalties, as required by article 45 of Regulation (EU) 2016/425 of 9 March 2016 on personal protective equipment*

*- The content of all member states' notifications of the provisions on penalties, as required by article 45 of Regulation (EU) 2016/425 of 9 March 2016 on personal protective equipment*

*- The content of any communication from the European Commission to member states about the provisions on penalties from article 45 of the same regulation.”*

The Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) has identified 60 documents which fall within the scope of your request. We are glad to inform you that access can be granted to all the documents identified. We have consulted third parties on disclosure of documents originating from them (notifications by Member States) and we received their agreement to the disclosure of the documents in question.

By 26/11/2018, 21 Member States have notified their respective penalty regimes to the European Commission pursuant to Article 45 of Regulation (EU) 2016/425.

We enclose a copy of the documents, the details of which are listed in the attached document register, relating to the above subject matter.

Please note that documents originating from third parties, as defined in Article 3(b) of Regulation (EC) 1049/2001, are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

With respect to the documents originating from the Commission, i.e. notes, and emails, please note that these documents do not reflect the final position of the Commission. They cannot be quoted as reflecting the Commission's final position and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Additionally, a number of the above documents contain personal data: names, e-mail addresses, phone numbers and addresses.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. The applicable legislation in this field is 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.<sup>1</sup>

When access is requested to documents containing personal data, Regulation (EU) 2018/1725 becomes fully applicable.

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.

As to the handwritten signatures and other handwritten text, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

We 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, we are disclosing a version of the documents requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

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<sup>1</sup> 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. 39–98*

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, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Barbara Bonvissuto

Enclosure:                      Table with the list of 60 documents falling within the scope of the request  
GestDem 2018-6240\_documents.7z (letters, e-mails, notes)