



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

Single Market Policy, Regulation and Implementation

Regulatory Barriers

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GROW.B.2/GC/DG/TI/gco (2021) 652158

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**Subject: Your request for access to documents – Notification 2020/544/A -
GestDem No 2020/7903**

Dear Mr Gorwa,

I refer to your request for access to documents of 18 December 2020, registered on 21 December 2020 under the above mentioned GESTDEM reference number, in line with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (“Regulation 1049/2001”).

You request access to the following documents in relation to notification 2020/544/A (“Draft Federal Act on measures to protect users on communication platforms (Communication Platforms Act)”) that was notified by Austria in the framework of Directive (EU) 2015/1535²:

- “1. the comments issued by the Commission
2. the comments from Sweden and any other member state
3. any other analysis, commentary or opinions on the notification 2020/544/A from the Legal Service, DG CNECT, DG GROW, DG JUST, or other DGs, including draft reports, memos, or other documents.”

As you were informed, your request was split between the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) under GestDem

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, 31.5.2001, p. 43.

² Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241 of 17.9.2015, p.1

2020/7903, the Legal Service (LS) under GestDem 2021/0246, the Directorate-General for Communications Networks, Content and Technology (DG CNECT) under GestDem 2021/0247 and the Directorate-General for Justice and Consumers (DG JUST) under GestDem 2021/0248. Please note that DG GROW will handle points 1 and 2 of your request, whereas point 3 is handled by all the DG's referred to in this paragraph. This reply covers only documents held by DG GROW. We consider your request to cover documents held up to the date of your application.

We take note that in your request you state that “[i]n case that documents should be classified or cannot be released because of exceptions of special treatment, I am asking for the name, source (e.g. the institution, DG and unit) and any reference number of these documents.” Furthermore, the split of which you have been informed above also takes into account the following part of your request in which you state “[i]f information under the scope of regulation 1049/2001 is not held by DG GROW but by the Commission, the Commissioner or another DG or Commission unit, I would like this information to be included in this request.”

As a result, the documents held by DG GROW relevant for your request are listed and numbered below, in accordance with the three points of your request:

Under point 1 of your request:

- (1) Comments issued by the Commission on 3 December 2020 under Article 5(2) of Directive (EU) 2015/1535 addressed to the Austrian authorities;

Under point 2 of your request:

- (2) Comments issued by Sweden on 26 November 2020 under Article 5(2) of Directive (EU) 2015/1535 addressed to the Austrian authorities;

Under point 3 of your request:

- (3) Request for supplementary information sent on 29 September 2020 by the Commission services to the Austrian authorities;
- (4) Answers provided by the Austrian authorities on 15 October 2020 to the request for supplementary information of the Commission services.

Having analysed your request in the light of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents³ and following the agreement to the disclosure by Austria and Sweden, we consider access to the requested documents can be granted.

Please note that, as far as the disclosed Commission documents are concerned, you may reuse them free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note also that the Commission does not assume liability stemming from the reuse⁴.

³ OJ L145 of 31.5.2001, p. 43.

⁴ For further details, see the Commission Decision of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011. In line with the second paragraph, point (b) of its Article 2, this Decision does not apply to documents for which the Commission is not in a position to allow their reuse in view of intellectual property rights of third parties.

The documents issued by Austria and Sweden are disclosed for information only and cannot be re-used without the agreement of the originators. These documents do not reflect the position of the Commission and cannot be quoted as such.

Yours sincerely,

(e signed)

Giuseppe CASELLA
Head of Unit

Enclosures: 4