



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
International and General Affairs

Inter-institutional relations, coordination, communication and strategic planning

Brussels,

Taxud E2/Svdv – taxud.e.2(2021)288379

Mr Jose Molina
Calle Cervantes 34, 3º
ES - Albacete 02001

ask+request-8872-6xxxxxxx@xxxxxxxxx.xxx

(by e-mail only)

Dear Mr Molina,

Subject: Your application for access to documents – Ref GestDem No 2020/7930

We refer to your e-mail dated 18 December 2020 in which you make a request for access to documents under the above mentioned reference number.

You make a request for access to:

“... a copy of each and every one of the communications that the Government of each state has sent asking if the VAT on masks could be reduced or some similar question for internal sale to the public in each country, not for imports or purchase of masks between countries. I also request the Commission's response to these communications from the governments. I also request that you detail to me which countries sent an inquiry about this and on what date each one did.”

Following your request we have identified two documents that you will find enclosed herewith:

-Letter from the Spanish authorities to the Commission dated 6 November 2020 – [Ares(2020)6517609 – 09/11/2020];

-Reply from the Commission to the Spanish authorities dated 10 November 2020 – [Ares(2020)6567515 – 10/11/2020].”

Please note that only Spain submitted a request relating the VAT on domestic transactions of masks.

Document 1 originates from Spain. According to Article 4(5) of Regulation No 1049/2001 “A Member State may request the institution not to disclose a document originating from that Member State without its prior agreement”. The Commission has consulted the relevant Member State accordingly and they agreed to the disclosure of their document.

Having examined the documents requested under Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to inform you that the documents can be disclosed.

The documents to which you have requested access contain personal data (name official, acronym official).

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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/1725¹. Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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.

¹ Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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, Official Journal L 205 of 21.11.2018, p. 39.

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
Secretariat-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

Yours sincerely,

Emer Traynor
Head of Unit

Annexes: as stated above