



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES
Single Market Enforcement
E.2 – Enforcement II

Brussels, 13.03.2023
grow.e.2/FC/kr(2023)2675421

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Subject: Your application for access to documents - EASE 2023/0883

Dear Sir,

We refer to your request for access to European Commission documents registered on 8 February 2023 under the above-mentioned reference number.

You request access to the complaint mentioned by the Commission in the context of an answer of 11 January 2007 relating to infringement procedure INFR(2003)4715 and concerning a Danish measure allegedly restricting the import of trans fatty acids into Denmark.

Your application concerns the following document:

- CIAA complaint to the EU Commission against the Danish Regulation on transfatty acids in oils and fats of February 8, 2023.

With regard to the document mentioned above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you

for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Please note that a document originating from third parties is disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

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 faithfully,

[electronically signed]

Salvatore D'ACUNTO
Head of Unit

Enclosure: CIAA complaint to the EU Commission against the Danish Regulation on trans fatty acids in oils and fats of February 8, 2023 (ref: SG(2003)A/5867)

¹ <https://www.ec.europa.eu/transparency/documents-request>