



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

The Director-General

Brussels, 5<sup>th</sup> February 2021  
CNECT.R.4

Mr Robert Gorwa  
Alexander von Humboldt Institut für  
Internet und Gesellschaft  
Französische Straße 9  
10117 Berlin  
Germany

**Advance copy via email:**  
[ask+request-8873-c1b2baac@asktheeu.org](mailto:ask+request-8873-c1b2baac@asktheeu.org)

### **REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT**

**Subject: Your application for access to documents – GestDem 2021/0247**

Dear Mr Gorwa,

We refer to your email of 18 December 2020 wherein you make a request for access to documents pursuant to 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 (hereinafter ‘Regulation 1049/2001’), registered on 21 December 2020 under the above-mentioned reference number. We also refer to the email of 15 January 2021 (reference Ares(2021)343139) by which you were informed about the split of your request for access to documents between different services/Directorates-General of the Commission regarding the handling of your application. Furthermore we make reference to our holding reply, dated 20 January 2021 (our reference Ares(2021)446950), whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

#### **1. SCOPE OF YOUR APPLICATION**

By your application, you requested access to the following:

*‘As catalogued in the TRIS database, the Commission and Sweden issued comments on notification number 2020/544/A (the Austrian Communication Platforms Act).*

*Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting all documents which contain the reactions of the Commission and the Member States to that notification (‘Act improving law enforcement on social networks’).*

*I would like to obtain:*

- 1. the comments 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 different Directorate-Generals of the Commission, notably the Directorate General for the Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), GestDem number 2020/7903, the Legal Service (LS), GestDem 2021/0246, the Directorate-General for Communications, Networks, Content and Technology (DG CONNECT), GestDem 2021/0247 and the Directorate-General for Justice and Consumer (DG JUST), GestDem 2021/0248. The present reply relates to GestDem 2021/0247 and covers point 3 of your request with regard to documents held by DG CONNECT.

## **2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST**

We inform you that DG CONNECT does not hold any documents in addition to the ones that are provided by DG GROW under GestDem number 2020/7903 and which would correspond to the description given in your application under GestDem 2021/0247.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that DG CONNECT does not hold any documents corresponding to the description given in your application, DG CONNECT is not in a position to fulfil your request.

## **3. CONFIRMATORY APPLICATION**

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(Electronically signed)

Roberto Viola