



EUROPEAN COMMISSION

LEGAL SERVICE
The Director-General**By e-mail**

Mr Fred Logue

ask+request-14161-2a76fddc@asktheeu.org**Subject: Request for access to documents**

Ref.: Your request of 31 January 2024 registered under reference 2024/0602.

Dear Mr Logue,

I refer to your application under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹, by which you request access to the written observations of Ireland in Case C-118/22, *NG v Direktor na Glavna direktsia 'Natsionalna politsia' pri Ministerstvo na vatreshnite raboti – Sofia*².

1. DISCLOSURE OF THE WRITTEN OBSERVATIONS BY IRELAND

As far as this document is concerned, in accordance with Article 4(4) of Regulation (EC) No 1049/2001, the Commission has consulted Ireland, as the author of the document, on the possible disclosure.

Following the consultation, I would like to inform you that Ireland agreed to a full disclosure of their written observations.

Please note that some personal data has been deleted in the document disclosed, in accordance with Article 4 (1)(b) of Regulation (EC) No 1049/2001, as will be explained below.

Please also note that this document was transmitted by the Court of Justice to the Commission in its capacity as participant to the Court proceedings. Access to it is granted for information only and they cannot be re-used without the agreement of the originator, who holds a copyright on them. It does not reflect the position of the Commission and cannot be quoted as such.

2. PROTECTION OF PERSONAL DATA

As stated above, some personal data have been redacted in the document disclosed since it is covered by the exception provided for in Article 4 (1)(b) of Regulation (EC) No 1049/2001, in accordance with the European Union legislation regarding the protection of personal data.

The redacted information consists of the parts of the first names of the agents representing Ireland not reproduced in the judgment.

In the present case, it has not been established that it is necessary to have these data transmitted for any specific purpose in the public interest (Article 9(1)(b) of the Data Protection Regulation,

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, 31.05.2001, page 43).

² Judgement of the Court (Grand Chamber) of 30 January 2024, C-118/22, *NG v Direktor na Glavna direktsia 'Natsionalna politsia' pri Ministerstvo na vatreshnite raboti – Sofia*, ECLI:EU:C:2024:97.

i.e. Regulation (EU) No 2018/1725³). Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the document, as there is a real and non-hypothetical risk that such public disclosure could result in identifying the data subjects and consequently would harm their privacy and subject them to unsolicited external contacts.

Please also note that the exception under Article 4(1)(b) does not envisage the possibility of demonstrating the existence of an overriding public interest under Regulation (EC) No 1049/2001.

3. MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretariat-General at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

[signed electronically]
Daniel CALLEJA

Attachment: 1

³ 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 205 of 21.11.2018, page 39).

