



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES
Services in the Single Market and Digitalisation
Services Directive and Policy

Brussels
GROW.E.1/JK/tb
grow.ddg2.e.1(2020)6603610

Mr Olivier Hoedeman
Corporate Europe Observatory
Rue d'Edimbourg 26
B-1050 Brussels

ask85923deddd95@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2020/5797

Dear Mr Hoedeman,

Thank you for your e-mail of 29.09.2020 which was registered on the same day, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents as follows:

- "the European Commission's analysis of, decisions on and responses to and actions taken regarding the three notifications of requirements under the Services Directive (Article 15(7) and 39(5)) that are listed here on the Commission's website: https://ec.europa.eu/internal_market/imi-net/repositories/services-directive-notifications/spain_en.htm

The notifications are dated 22/11/2019, 18/03/2020 and 02/06/2020.

In other words: documents that show how the Commission analysed the notified measures and their compatibility with the Services Directive, the decisions the Commission has made on these three notifications, as well as the communication with the Spanish government and/or local authorities and other action taken on the notifications."

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

Concerning the present request to access, we have identified two documents that match the scope of your request.

A list with the two documents (comment from Commission services on an incoming notification and the reply from Spanish authorities to that comment) is in annex.

3. FULL DISCLOSURE OF 2 DOCUMENTS

We would like to inform you that the two identified documents are fully disclosed¹.

The documents to which you have requested access contain personal data such as the names, contact details and handwritten 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 document, 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 documents originating from third parties are 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 documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse. The documents do not reflect the position of the Commission and cannot be quoted as such.

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 Except for redaction of personal data. Please see reference below.

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
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

Yours faithfully,

(e-signed)

Henning EHRENSTEIN
Acting Head of Unit

Enclosure: Documents register
2 Disclosed documents