



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D4/AB (2021)

Subject : Your application for access to documents – Ref GestDem No 2021/3460

Dear Mrs Beatrice Gorez,

We refer to your letter dated 26/05/2021 in which you make a request for access to documents, registered on 27/05/2021 under the above mentioned reference number.

Your application concerns parts of the report on Audit of External Fleet in Italy (21-25 January 2019), related to the elements of your complaint (CHAP(2019)00315).

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that it may be partially disclosed.

Some parts of the audit report have been blanked out as “out of scope”, since they were not included in your request.

Other parts have also been blanked out, as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

In particular, a complete disclosure of the identified document 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 it contains 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;
- other information relating to an identified or identifiable natural person: names and identification number of vessels.

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

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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.

Moreover, the document contains data that have been made available to the European Commission by the Italian authorities within the framework of Regulation No 1224/2009, in the sense of Article 113(2) and (3) of Regulation No 1224/2009. Therefore, the Commission has consulted the Italian authorities concerning their disclosure but did not receive their express agreement. Consequently, these data have been redacted accordingly.

In accordance with Article 7(2) of Regulation (EC) No 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 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 Brussels
Or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Charlina VITCHEVA

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