



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Director-General

Brussels, 8 March 2022  
DG JUST/C4/ Ares(2022)1029901 and  
Ares(2021)2917514

Mr Elad Man  
Hatzlacha Consumers' Movement  
7 Menachem Begin St.  
52681 Ramat Gan, Israel

**Sent by e-mail**  
[elad@man-barak.com](mailto:elad@man-barak.com)

**Subject: Your applications for access to documents – Ref. GestDem No 2021/2843 and 2022/0893**

Dear Mr Man,

We refer to your requests for access to documents pursuant to Regulation 1049/2001<sup>1</sup>, registered on 2 May 2021 and 11 February 2022 under the above mentioned reference numbers, as well as to your previous request for the same documents from 16 February 2018 and our reply of 16 March 2018, and your subsequent requests for information of 8 July 2020, 23 January 2021, in which you are asking us to reconsider our reply of 16 March 2018, and your further request from 2 May 2021.

With your applications of 2 May 2021 and 11 February 2022, you have reiterated your request for a copy of a submission by the Israeli government regarding Israel's 'adequacy' status of data protection.

In our reply of 16 March 2018 we had informed you that the following document corresponded to your request: *"Report on Developments in the Privacy and Personal Data Protection Regime in Israel. June 2017"*, registered under the reference number: Ares(2018)1099606.

We also informed you that that your application could not be granted, as disclosure was prevented by exceptions to the right of access laid down in Regulation 1049/2001 regarding public access to documents, notably Article 4(1)(a), third indent of this Regulation providing that *"[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] the public interest as regards [...] international relations."*

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<sup>1</sup> 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 of 31.5.2001, p. 43 (hereafter: "Regulation 1049/2001").

To date, the situation has not changed since our communication to you of 16 March 2018.

The Commission's services received the above document from the Ministry of Justice of Israel in the context of ongoing dialogues with third countries, including with the State of Israel, in view of preparing an assessment and discharging the Commission's obligations under the General Data Protection Regulation (EU) 2016/679, notably its Article 97(2)(a). According to this Article, the Commission was supposed to submit by 25 May 2020 to the European Parliament and the Council a report examining i.a. the Commission's adequacy decisions adopted under Directive 95/46/EC. However, due to a number of factors (including recent developments of the relevant case-law of the Court of Justice of the European Union), the Commission has postponed the adoption of this part of the report. We intend to publish it in the course of this year.

Inputs received from third countries, including the document from the State of Israel, are part of preparatory documents in view of discharging the Commission's legal obligations, i.e. to report to the European Parliament and the Council. We consider that the disclosure of documents received from third countries before finalising the process would undermine the protection of the public interest as regards international relations within the meaning of Article 4.1 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents. The Commission needs to protect its credibility vis-à-vis third countries and not make public their documents before reporting to the Council and the European Parliament. Making those documents, including from the State of Israel, available, in whole or in parts, to the public may seriously prejudice the mutual trust between the EU and those countries. This is particularly true at the stage when the dialogue with those countries is ongoing and their reports may be further complemented and updated in light of the ongoing exchanges.

For the reasons laid down above, we informed you on 16 March 2018 that access to the document "*Report on Developments in the Privacy and Personal Data Protection Regime in Israel. June 2017*", registered under the reference number: Ares(2018)1099606, cannot be granted. Following a re-examination of the requested document under the provisions of Regulation (EC) No 1049/2001, and after consulting again the third party that submitted the document to us, we regret to inform you that your application to access the above-mentioned document cannot be granted. As previously indicated and as recalled above, its disclosure is prevented by the exceptions to the right of access laid down in Article 4.1 of the Regulation.

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 Secretary-General of the Commission at the following address:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

According to standard operational procedure, the reply to a request for access to documents is usually also sent by registered post. Please note, however, that due to the COVID 19 pandemic, Commission non-critical staff is still partly teleworking and not in a position to follow this procedure until further notice. This reply is therefore sent to you via email only and we would appreciate if you could confirm receipt of the present e-mail by replying to JUST-C4@ec.europa.eu.”

Yours faithfully,

Ana Gallego  
*[e-signed]*