



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1

Ms Lora Verheecke
Rue du Bronze 9
1070 Brussels
Belgium

By email: ask+request-10782-
177b548a@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/1302

Dear Ms Verheecke,

We refer to your e-mail of 2 March 2022 in which you make a request for access to documents, registered on 4 March 2022 under the above-mentioned reference number.

You request access to:

“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) AND the meeting minutes/notes relating to the meeting between Thierry Breton and BusinessEurope on 11th January 2022.”

We have identified the 3 enclosed documents that fall within the scope of your request.

Personal data protection

A complete disclosure of the identified documents 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 they contain the following personal data:

- the names/initials, contact information and functions of Commission staff members not pertaining to the senior management;
- the names/initials, contact details and functions of other 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 documents, 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.

Protection of commercial interests

Concerning document 2, and taking into account the position of the consulted third party, I have also come to the conclusion that its full disclosure is prevented by the exception of protection of commercial interests laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001.

This document contains sensitive business information related to Business Europe. Disclosure of this information would undermine the organisation's competitiveness and commercial interests, as well as those of the companies it represents, in the context of the competitive market environment in which they operate.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest, but we did not identify any such overriding public interests in the document. Therefore, the parts covered by the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 are redacted in the document.

Disclaimers

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 minutes were drawn up for internal use under the responsibility of the relevant services of the Cabinet of Commissioner Thierry Breton. They solely reflect the services' interpretation of the interventions made and does not set out any official position of the third parties to which the document refer. They do not reflect the position of the Commission and cannot be quoted as such.

Means of redress

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 faithfully,

Electronically signed

Kerstin Jorna
Director-General

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