



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR BUDGET

The Director-General

Brussels, 6 April 2022
BUDG.03/PS

Ms Lucca EWBANK
1 Long Ln
London, UK

Sent via e-mail only, with
acknowledgement of receipt
request, to: [ask+request-10837-
1a484818@asktheeu.org](mailto:ask+request-10837-1a484818@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2022/1545

Dear Madam,

We refer to your e-mail of 16 March 2022 in which you make a request for access to documents, registered on 17 March 2022 under the above-mentioned reference number.

You request access to all documentation, including but not limited to, attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings of Commissioner Johannes Hahn and his Cabinet members with Lufthansa Group:

- on 28/06/2021 on the fit for 55 package and the airline industry,
- on 23/06/2021 on the Green deal, the fit for 55 package and the Transport policy.

On 23 June 2021, Commissioner Hahn met with Lufthansa representatives, followed by a videoconference meeting between a member of the Cabinet and representatives from Lufthansa on 28 June 2021.

We have identified the following documents to be falling within the scope of your request:

- E-mail with letter from Mr Gerber, new General Representative of European Affairs at Lufthansa Group, dated 19/04/2021, addressed to Commissioner Hahn, proposing to meet to discuss current and future challenges of the aviation industry (Annex 1, reference Ares(2022) 1970430)
- E-mail reply from an assistant in Commissioner Hahn's Cabinet, dated 20/05/2021, proposing a date for a meeting (Annex 2, reference Ares(2021)3371058);
- Briefing prepared by Directorate-General for Budget for Commissioner Hahn's meeting of 23/06/2021 (Annex 3)

With regard to the 2 documents, Annex 1 and Annex 2 listed above, 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 and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons.

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation¹.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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.

Therefore, 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.

Please note that a document originating from a third party is 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.

Having examined the document “Briefing prepared by DG BUDG for Commissioner Hahn’s meeting of 23/06/2021” (Annex 3) under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that this document may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in the first subparagraph of Article 4(2), and the second subparagraph of Article 4(3) of this Regulation.

The redacted parts of the document contain commercially sensitive business information of the company that submitted it, and information drawn up for internal use. Disclosure of these parts would undermine the protection of the commercial interests of the third party involved, as well as the protection of information drawn up for internal use.

¹ 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 295, 21.11.2018, p. 39.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-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

Yours faithfully,

Electronically signed

Gert Jan KOOPMAN

Annexes:

- E-mail (dated 20/4/2021) with letter from the new General Representative of European Affairs at Lufthansa Group dated 19/04/2021, Ares(2022) 1970430;
- E-mail reply dated 20/05/2021, Ares(2021)3371058;
- Briefing prepared by Directorate-General for Budget for the meeting of 23/06/2021