



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL  
MARKETS UNION

The Director-General

Brussels  
FISMA.A.2/LL/BBM

Ms Nienke PALSTRA  
Global Witness  
Rue Belliard 53,  
1000, Bruxelles  
Belgium

**By email:** ask+request-11722-  
fab1b6d0@asktheeu.org

Dear Madam,

**Subject: Your application for access to documents Gestdem 2022/4579**

We refer to your e-mail of 11 August 2022, in which you make a request for access to documents, registered on 12 August 2022 under the above-mentioned reference number.

You request access to “[a]ll documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 2022-06-20 between Florian Denis and Amazon Europe Core SARL.”

We found two documents falling in the scope of your request: the invitation email (document 1) and the minutes of the meeting (document 2).

Partial access is granted to documents 1 and 2, based on Article 4(1)(b) (protection of privacy and the integrity of the individual) and Article 4(2), first indent (protection of commercial interests of a legal person) of Regulation 1049/2001.

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 names, contact information and other personal data of third parties and the names and contact information of Commission staff members not pertaining to the senior management.

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, we 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.

Article 4(2), first indent of Regulation 1049/2001 indicates that ‘[t]he institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, [...] unless there is an overriding public interest in disclosure.’

Document 1 contains some commercially sensitive information, the disclosure of which would undermine the protection of commercial interests of a legal person. If revealed, this information could damage the commercial interest and the market position of a company. Therefore, we regret to inform you that this information cannot be disclosed to you.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents requested. You have not put forward any such interest in your letter, and we have not been able to identify it either. Consequently, we conclude that, pursuant to Article 4(2), first indent of Regulation (EC) No 1049/2001, full access cannot be granted to the information contained in the requested document.

Please note that document 2 was drawn up for internal use under the responsibility of the relevant officials of the Commission. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

John BERRIGAN  
(electronically signed)

Attachments: 1. Invitation email - Ares(2022)4616383  
2. Minutes of the call - Ares(2022)4616427