



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

Directorate R – Resources, Interinstitutional Relations, Communications and Civil Society  
**Transparency, Civil Society and Communication**

Brussels  
TRADE.R.3/(2023)880049

Ms Lora Verheecke  
9 rue du Bronze  
1070 Brussels

**By email only – with request for  
explicit acknowledgment of receipt  
by email reply:**

[Ask+request-12277-3588259@asktheeu.org](mailto:Ask+request-12277-3588259@asktheeu.org)  
(EASE 2022/7041)

[Ask+request-12275-a9ed2999@asktheeu.org](mailto:Ask+request-12275-a9ed2999@asktheeu.org)  
(EASE 2022/7045)

**Subject: Your applications for access to documents – EASE 2022/7041 and  
EASE 2022/7045**

Dear Ms Verheecke,

I refer to your email applications dated 5 December 2022, both registered on the same date under the above mentioned EASE reference numbers, in which you make requests for access to documents under Regulation (EC) No 1049/2001<sup>1</sup> ('Regulation 1049/2001').

## **1. SCOPE OF YOUR REQUEST**

You are requesting 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 Mirzha De Manuel, Caroline Boeshertz and Cristina Rueda Catry and BusinessEurope on 10th November 2022'*  
**(EASE 2022/7041);**

and:

*'All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) AND the meeting*

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents (Official Journal OJ L 145, 31.5.2001, p. 43).

*minutes/notes relating to the meeting between Valdis Dombrovskis and BusinessEurope on 10th November 2022' (EASE 2022/7045).*

We have identified 1 document common for both requests (your two requests refer in fact to one and the same meeting) as falling under the scope of your application:

- Ares(2022)8104908 – Meeting 10-11-2022 – Minutes.

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001**

Having examined the requested document under the applicable legal framework, I am pleased to grant you **almost full access to the identified document, with only names/identities redacted**. Hence, the main content of the identified document is accessible. A copy of the document in its redacted version is enclosed to the present reply.

### **2.1. APPLICABLE EXCEPTION REGARDING ALL IDENTIFIED DOCUMENTS: PROTECTION OF PRIVACY AND THE INTEGRITY OF THE INDIVIDUAL – ARTICLE 4(1)(B) OF REGULATION 1049/2001**

#### **2.1.1. 'Personal data'**

We disclose the identified document partially, as certain personal data therein must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names/initials and/or contact details of natural persons other than Commission staff.

To this regard Article 4(1)(b) of Regulation 1049/2001 provides that '*[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data*'.

The applicable legislation in this field is Regulation (EU) No 2018/1725<sup>2</sup> (hereafter 'Regulation 2018/1725' or 'Data Protection Regulation').

Article 3(1) of Regulation 2018/1725 provides that personal data means '*any information relating to an identified or identifiable natural person [...]*'. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.<sup>3</sup> Please note in this respect that the names, signatures, functions, email addresses, telephone numbers etc., and/or initials pertaining to staff members of an institution are to be considered personal data<sup>4</sup>, as well

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<sup>2</sup> 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.

<sup>3</sup> Judgment in *Peter Novak v Data Protection Commissioner*, case C-434/16, points 33-35, ECLI:EU:T:2018:560.

<sup>4</sup> Judgment in *Port de Brest v Commission*, case T-39/17, points 43-44, ECLI:EU:T:2018:560.

as those of individuals belonging to third parties. As already indicated above, both documents contain such personal information.

### **2.1.2. *Question of ‘transfer’ of personal data and conclusion***

Article 9(1)(b) of Regulation 2018/1725 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 1049/2001, access cannot be granted to the personal data, 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.

### **2.2. **DISCLAIMER(S)****

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on [Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents](#)<sup>5</sup>. You may reuse the documents disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Please note that the identified document was drawn up for internal use under the responsibility of the relevant staff members of the Cabinet of Executive Vice-President Dombrovskis. 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 were not consulted on its content. It does not necessarily reflect the position of the Commission and cannot be quoted as such.

## **3. **POSSIBILITY OF A CONFIRMATORY APPLICATION****

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 Secretariat-General of the Commission, either by

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

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<sup>5</sup> OJ L 330, 14.12.2011, p. 39.

- letter to the following address:  
European Commission  
Secretariat-General  
‘Transparency, Document Management & Access to Documents’ (unit SG C.1)  
BERL 7/76  
Rue de la Loi 200/Wetstraat 200  
1049 Brussels.

Yours sincerely,

*[Electronically signed]*

Maud LABAT  
Head of Unit

Enclosure: Ares(2022)8104908 – Meeting 10-11-2022 – Minutes (*redacted*)