



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)958468

Mr Maximilian Henning
Eendrachtskade 12-35
9726 CW Groningen
The Netherlands

**By email only – with request for
explicit acknowledgment of receipt
by email reply:**
ask+request-12289-c43d1c03@asktheeu.org

Subject: Your application for access to documents – EASE 2022/7078

Dear Mr Henning,

I refer to your email application dated 7 December 2022, registered on the same date under the above mentioned EASE reference number, in which you make a request for access to documents under Regulation (EC) No 1049/2001¹ ('Regulation 1049/2001').

1. SCOPE OF YOUR REQUEST

You are requesting access to:

'All minutes, agendas, summaries, notes or memos issued before or after; documents prepared for, issued in preparation for, or exchanged during; as well as all correspondence including attachments by either of the meeting parties related to the 17.11.2022 meeting between the Clean Clothes Campaign and Andrea Beltramello'.

We have identified 3 documents falling under the scope of your application:

- 01 – Ares(2022)7053408 – Request;
- 02 – Ares(2022)7053408 – Attachment – CSO_statement_Forced-Labour-Regulation_Oct-22;
- 03 – Ares(2022)8209452 – Meeting 17-11-2022 – Minutes.

¹ 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).

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

Having examined the requested documents under the applicable legal framework, I am pleased to grant **full access to document 02** (it can also be easily retrieved from different third-party public websites on the internet) and **almost full access to documents 01 and 03, with only names and other personal data redacted**. Hence, the main content of all identified documents is accessible. Copies of the documents in their redacted version are enclosed to the present reply. Please note that the Ares reference at the end of document 03 refers to a doublet of the email request document 01, which coincidentally had been registered again in preparation of the meeting.

2.1. PROTECTION OF PRIVACY AND THE INTEGRITY OF THE INDIVIDUAL – ARTICLE 4(1)(B) OF REGULATION 1049/2001

2.1.1. ‘Personal data’

We disclose documents 01 and 03 partially, as they contain certain personal data which must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names/initials and/or contact details of other natural persons – other than Commission staff members;
- other information relating to an identified or identifiable natural person.

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 2018/1725² (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.³ 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 data⁴, as well as those of individuals belonging to third parties. As already indicated above, both documents contain such personal information.

² 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.

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

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

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](#)⁵. 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.

Furthermore, please note that documents containing content of third party origin, i.e. either documents originating from third parties or documents containing parts of third party origin (in the present case **documents 01 and 02**), are disclosed to you based on Regulation 1049/2001. However, disclosure of such contents or documents of third party origin 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 (even if publicly available on the internet, as in the present case document 02). The European Commission does not assume any responsibility from the reuse of those documents or parts of documents.

Document 03 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.

⁵ OJ L 330, 14.12.2011, p. 39.

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, *or*
- 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
BELGIUM.

Yours sincerely,

[Electronically signed]

Maud LABAT
Head of Unit

Enclosures (3): 01 – Ares(2022)7053408 – Request (*redacted*)
02 – Ares(2022)7053408 – Attachment – CSO_statement_Forced-Labour-Regulation_Oct-22
03 – Ares(2022)8209452 – Meeting 17-11-2022 – Minutes (*redacted*)