



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.B.1/LN

Mrs. Lora VERHEECKE
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1070 BRUXELLES

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Subject: Your application for access to documents – EASE 2023/0323

Dear Mrs. Verheecke,

We refer to your letter dated 17 November 2022 registered on the 18th of November under the above-mentioned reference number, in which you make a request for access to following documents:

“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 Kerstin Jorna and Confédération des Petites et Moyennes Entreprises on 11th October 2022”.

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

1. E-mail exchanges between CPME and the Director General's Office, ref. Ares(2023)575016.
2. Briefing, ref Basis 9119.
3. Minutes/debrief of the Meeting dd. 11/10/2022 between Kerstin Jorna and FR Business Organisation CPME, ref. Ares(2023)575256.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that access to document 2, the Briefing (ref. Basis 9119), cannot be granted, as its disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The disclosure of this document would undermine the protection of the decision making process of the Commission as it would reveal preliminary views and policy options that are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4 paragraph 3 of Regulation (EC) No 1049/2001 applies to this document.

I have considered whether partial access could be granted to the requested document and concluded that after expunging the confidential information, the remaining parts of the document are illegible.

The exceptions laid down in Article 4 paragraph 3 of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I have examined whether there could be such an overriding public interest in disclosure as part of our request, but have not been able to identify such an interest.

In addition, a complete disclosure of the identified documents 1 and 3 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 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;
- other information relating to identified or identifiable 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 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.

With regard to the meeting minutes, please note that those documents were drawn up for internal use under the responsibility of the relevant service of DG GROW. They solely reflect the author's interpretation of the interventions made and do 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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Kerstin Jorna
Director-General
(electronically signed)

Enclosures: 2

¹ <https://www.ec.europa.eu/transparency/documents-request>