



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.B.1/LN

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Subject: Your application for access to documents – EASE 2022/7063

Dear Mr. Haar,

We refer to your letter dated 6 December 2022 registered on the same date under the above-mentioned reference number, in which you make a request for access to documents which contain the following information:

“1) a list of meetings (from 1. January 2022 till today) of Commissioner Thierry Breton, members of her cabinet or representatives of DG GROW AND representatives of the European Holiday Home Association, Booking.com, the CCIA, Expedia, Dot.Europe or AirBnB;

2) minutes and other reports of these meetings;

3) all correspondence with entities listed above, including emails from 1. January 2022 till today)”.

We have identified 22 documents that fall within the scope of your request, the list of which you will find in the enclosed table.

Following the examination of the identified documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I regret to inform you that your application cannot be granted with reference to the documents **1**, **17** and **19** (as indicated in the enclosed table). The disclosure of those documents is prevented by exception to the right of access laid down in Article 4(2) first indent of the Regulation. The disclosure could infringe the third parties' commercial interests, including intellectual property and in consequence influence their market position and growth potential.

Furthermore, I regret to inform you that your application cannot be granted with reference to document **22**, as its disclosure is prevented by exception to the right of

access laid down in Article 4(2) third indent of the Regulation. The minutes concern an ongoing infringement procedure against a Member State; disclosure of the document at this point in time would affect the climate of mutual trust between the authorities of the Member State and the Commission, which is required to enable them to resolve the case without having to refer it to the Court of Justice.

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. I have further examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

A complete disclosure of the remaining 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 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.

Please note that some documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001, following the third party consultations. 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 its reuse.

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: 19

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