



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
The Director

Address

[Bloomberg Bd Charlemagne 1,
1041 Bruxelles]

By email: [ask+request-13442-
1b51b85c@asktheeu.org]

Subject: Your application for access to documents – EASE 2023/5083

Dear Mr Stolton,

We refer to your request registered on 30 August 2023 under the above-mentioned reference number. You request access to:

All documentation regarding a meeting on July 5th between EVP Vestager and representatives from Zalando. This documentation should include but not be limited to: general communications of any nature, written material of any kind, consultation notes, email correspondences, attendance lists, agendas, background papers, briefing papers, transcriptions of meetings, readouts of meetings, summaries of meetings, briefings for meetings, etc.

The following documents have been identified for the meeting between EVP Vestager and representatives from Zalando:

1. Document: Minutes
Ares(2023)4747188 MINUTES_ONLINE meeting with Co-CEO of Zalando ZE_05.07.2023.pdf
2. Document: Email exchange from 18 July
Ares(2023)5544410 Follow-up ZALANDO Impact on fashion sector of Direct-to-Consumers business models.pdf
3. Document: Annexed document 1
Ares(2023)5544410 – Follow-up ZALANDO Impact on fashion sector of Direct-to-Consumers business models.pdf - Annex 1
4. Document: Annexed document 2
Ares(2023)5544410 Follow-up ZALANDO Impact on fashion sector of Direct-to-Consumers business models.pdf – Annex 2
5. Document: Briefing
Ares(2023)4927786 Steering brief

Redacted versions of the documents 1, 2 and 5 have been attached. Complete disclosure of these 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 personal 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 an identified or identifiable natural person.

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, 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.

Following an examination of the documents 3 and 4, and taking into account the opinion of the third party, access to these documents cannot be granted pursuant to Article 4(2) of Regulation (EC) No 1049/2001, which allows refusing disclosure on the basis of commercial interests of legal persons, including intellectual property. Further redactions were also made in documents 1 and 2 based on Article 4(2) of Regulation (EC) No 1049/2001. The redacted parts refer to Zalando's competitive position in the market.

Additional redacts were made in document 1 and 5. The redacted parts reproduce, in essence, arguments related to Zalando's application for annulment before the General Court in Case T-348/23. Therefore, they have been redacted on the basis of the exception laid down in Article 4(2) of Regulation (EC) No 1049/2001, which aims to protect court proceedings.

Please note that all minutes were drawn up for internal use. They solely reflect the authors' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. They do not reflect the position of the Commission and cannot be quoted as such.

Documents originating from third parties were disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document/documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 at the following address:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Elisa Roller