



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

The Director General

Brussels,
JUST/MJA/ig

Mr Ekaitz CANCELA
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48902 Bilbao
España

*By registered letter with
acknowledgment of receipt*

Advance copy by email: ask+request-4407-972cabec@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/3693

Dear Mr Cancela,

We refer to your e-mail dated 20/06/2017 in which you make a request for access to documents, registered on 21/06/2017 under the above mentioned reference number.

You request access to minutes and other reports of the meetings of the European Commissioner for Justice, Věra Jourová and other officials and representatives of his DG about all the issue related to digital trade (including those of data flows, data localisation and data transfer) with private providers of digital services (including tech companies and tech industry groups such as ESF, Digital Europe or BusinessEurope, but also lobby consultancies, law firms and others working for tech industry clients or otherwise representing the tech industry) in the EU between January 1st 2012 and today;

You further indicate that you would prefer to receive the documents on a rolling basis, rather than waiting until the full response is ready.

We are thus providing you with a list of 52 initial documents. As the search for documents is still ongoing, you may receive some more within the next weeks.

We call your attention to the fact that there are two expert groups that may have relevant documents. These are public documents which you may find here: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3423&NewSearch=1&NewSearch=1> regarding the "Stakeholder consultation group for the Fitness Check of EU consumer and marketing law" and here: <https://circabc.europa.eu/w/browse/63000727-616d-429d-824d-f689471ee277> regarding the "Consumer Safety Network (CSN) Sub-Group on the Safety of Online Sales".

Your application concerns the following documents:

1. E-mail meeting Samsung Electronics Europe 4/3/2015
2. E-mail meeting SWIFT 24/3/2015
3. E-mail meeting SAS Institute Inc. 24/3/2015
4. E-mail meeting Dell 27/3/2015
5. E-mail meeting Adobe 30/3/2015
6. E-mail meeting Computer & Communications Industry Association 30/3/2015
7. E-mail meeting FEDMA 9/4/2015
8. E-mail meeting deputy CEO of Orange 5/5/2015
9. E-mail meeting Burda Media 1/9/2015
10. E-mail meeting CA Technologies 21/9/2015
11. E-mail meeting Confederation of Swedish Enterprise and Member Companies 12/10/2015
12. E-mail meeting Channel 4 13/10/2015
13. E-mail meeting EDiMA 4/12/2015
14. E-mail meetings Zettabox and ITIC 28/1/2016
15. E-mail meeting Facebook 13/6/2016
16. E-mail visit to Washington 5/12/2016
17. Meeting with Oracle 18/1/2013
18. Meeting with ECIS 25/9/2014
19. Meeting with UEAPME 17/4/2015
20. Meeting with EUROCHAMBERS 7/5/2015
21. Meeting with Euro Commerce 21/9/2015
22. Meeting with EuroCommerce 19/1/2016
23. Meeting with EMOTA 19/1/2016
24. Meeting with English Bar council 25/1/2016
25. Meeting with EDiMA 25/1/2016
26. Meeting with Digital Europe 2/2/2016
27. Meeting with BSA 3/2/2016
28. Meeting with BDI 4/3/2016
29. Meeting with EUROCHAMBERS 20/4/2016
30. Meeting with ETNO, 26/4/2016
31. Meeting with Independent Retail Europe 28/4/2016
32. Meeting with German Industry 27/5/2016
33. Meeting with EMOTA and online industry 9/6/2016
34. Meeting with IT/digital industry 29/6/2016
35. Meeting with SKY 30/6/2016
36. Meeting with Insurance Europe, 14/7/2016
37. Meeting with Plattform industrie 4.0 8/8/2016
38. Meeting with GDV 31/8/2016
39. Meeting with EMOTA 1/9/2016
40. Meeting with EuroCommerce 8/9/2016
41. Meeting with EuroCommerce 27/10/2016
42. Meeting with UEAPME 9/9/2016
43. Meeting with Business Europe 13/9/2016
44. Meeting with Ecommerce Europe 16/9/2016
45. Workshop DG JUST, DG CNECT 21 and 22/9/2016
46. Meeting with e-commerce industry representatives 7/10/2016
47. Meeting Zurich Insurance 13/10/2016
48. Meeting with Airbus 23/11/2016

- 49. Meeting with Oracle 25/1/2017
- 50. Meeting with Zurich Insurance Group 23/3/2017
- 51. Meeting with Bosch 11/7/2017
- 52. Workshops within structured dialogue with stakeholders 13/7/2017

Some parts of the documents have been redacted because they are out of the scope of your request. Likewise, the attachments referred to in some documents have not been included because they are, as well, out of the scope of your request.

Part of paragraph 7 under "main points raised" of document 8 has been blanked out as its disclosure is prevented by the exception to the right of access laid down in Article 4 (2) first indent of Regulation (EC) No 1049/2001 on access to documents. This paragraph contains commercially sensitive business information of the company which submitted it.

Finally, almost all documents to which you have requested access contain personal data. Pursuant to Article 4(1) (b) of the above mentioned Regulation, access to a document has to be refused if its 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 (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

Transparency unit SG-B-4
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or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Tiina ASTOLA
Director General