



EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Director-General

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***By registered letter with
acknowledgment of receipt***

Mr Olivier Hoedeman
Corporate Europe Observatory
Rue d'Edimbourg 26
B-1050 Brussels

Advance copy by email:
[ask+request-5964-
639434fa@asktheeu.org](mailto:ask+request-5964-639434fa@asktheeu.org)

Subject: Request for access to documents – GESTDEM No. 2018/5357

Dear Mr Hoedeman,

Thank you for your e-mail of 28.09.2018 which was registered on 10.10.2018, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents as follows:

"- minutes and other reports of meetings between the European Commission's DG GROW and lobbyists (and other industry representatives) in which the notification procedure for services in the internal market was discussed (including authorisation schemes and other requirements related to services and the Services Directive).

- all correspondence (including emails) between the European Commission's DG GROW and lobbyists (and other industry representatives) in which the notification procedure for services in the internal market was discussed (including authorisation schemes and other requirements related to services and the Services Directive).

The request is limited to the period between October 2015 and today."

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

We have identified 52 documents that match the scope of your request. The list of these documents is in the annex.

Among those 52 documents, 37 documents relate to positions papers or opinions submitted to DG Internal Market, Industry, Entrepreneurship and SMEs by organisations representing business or professions.

In addition, 12 documents relate to meetings held between the DG Internal Market, Industry, Entrepreneurship and SMEs and organisations representing business, professions or unions. Please note that the content of the reports of meetings with the third parties were drafted by the Commission; therefore they represent the Commission's interpretation of what was discussed in the meetings and were not verified by the third parties.

Please also note that, 1 document consists in an exchange of emails between the DG Internal Market, Industry, Entrepreneurship and SMEs and the unions and 1 document is a letter sent by the DG Internal Market, Industry, Entrepreneurship and SMEs to an organisation representing business.

Lastly, 1 document is a working paper of the Council of the European Union.

3. FULL DISCLOSURE OF 51 DOCUMENTS

We would like to inform you that 51 documents are fully disclosed¹, 37 of those relate to the positions papers or opinions and 12 to the meetings organisations representing business, professions or unions.

Please note that the documents received from third parties are disclosed for information only and cannot be re-used without the agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

The documents to which you have requested access contain personal data. Some documents contain also information which is out of the scope of the access to documents request and therefore will not be disclosed.

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, 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 data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

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.

¹ Except for redaction of personal data. Please see reference below.

² Official Journal L 8 of 12.1.2001, p. 1

³ 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.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and 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
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

4. NO DISCLOSURE OF 1 DOCUMENT

The DG Internal Market, Industry, Entrepreneurship and SMEs has identified 1 document to which access cannot be granted, as disclosure is prevented by the exception laid down in Article 4(3) (Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused). Disclosure of that document would undermine the decision-making process of the Commission, as it would reveal contents which are directly related to the on-going legislative process between EU institutions.

According to Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the document concerned, which outweighs the interest protected by the exception to the right of access. In this case the Commission has reached the conclusion that there appears to be no overriding public interest in their disclosure in the sense of the Regulation.

The possibility of granting partial access in accordance with Article 4(6) of Regulation (EC) No 1049/2001 has also been examined. However, this is not considered possible since the document in question is covered in its entirety by the above-mentioned exception.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its position.

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Secretary-General
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Yours sincerely,



Lowri Evans
Director General

Annexes: Document register
Zipped files