



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Resources and Support
Compliance and Planning
Head of Unit

Brussels,
CNECT/R4

Ms Margarida da Silva
Corporate Europe Observatory
Rue d'Edimbourg 26
1050 Bruxelles
Belgique

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ask+request-7979-
4cdc9433@asktheeu.org

REGISTERED MAIL WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Your application for access to documents – GestDem 2020/2996

Dear Ms Da Silva,

We refer to your request for access to documents introduced pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents ('Regulation 1049/2001') via the Register of Commission Documents on 18/05/2020 and registered on the same date under the above-mentioned reference number. We also refer to our email dated 11/06/2020 (our reference, Ares(2020)3038751) whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

In your application, you request access to:

- '[...] all documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the meetings Commissioner Breton and members of his Cabinet have held with interest representatives since 01 March 2020;

- All correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) between Commissioner Breton and members of his Cabinet have held with interest representatives since 01 March 2020.'

Given the potential large number of documents falling within the scope of your request, on 12/05/2020 we contacted you to find a fair solution based on Article 6(3) Regulation 1049/2001 (our reference Ares(2020)3053916). We asked you to reduce the scope of your application in such a way that would enable its treatment within the extended deadline of 15+15 working days by specifying the meetings held by Commissioner Thierry Breton and/or members of his Cabinet with interest representatives.

In your response of 19/05/2020, you proposed to reduce the scope of the request to all documents relating to the following 20 meetings:

20/03/2020
Teleconference
The Walt Disney Company Benelux BVBA

19/03/2020
Teleconference
Google

19/03/2020
Teleconference
Netflix International B.V.

11/03/2020
Brussels, Belgium
BUSINESSEUROPE

10/03/2020
Brussels, Belgium
Honeywell Europe NV (HON)
3M (3M)

01/04/2020
Teleconference
Leonardo S.p.A.
DASSAULT AVIATION
MBDA
Indra (Indra)
ASD-Eurospace (Eurospace)
SAFRAN
Airbus
HENSOLDT Holding Germany

26/03/2020
Teleconference
European Round Table for Industry (ERT)

26/03/2020
Videoconference
European Association Automotive Suppliers (CLEPA)
Association des Constructeurs Européens d'Automobiles (ACEA)

25/03/2020

Videoconference
MONDRAGON CORPORACION COOPERATIVA S. COOP (MONDRAGON S. COOP)
Koninklijke Philips (Philips)
Medtronic (Medtronic)
Siemens AG (SAG)
ResMed (RMD)
General Electric Company (GE)
Bayerische Motoren Werke Aktiengesellschaft (BMW Group)
Leonardo S.p.A.
Smiths Group plc
Saab AB
FUNDACION CLUSTER AUTOMOCIÓN DE GALICIA CEAGA (CEAGA)
Daimler Aktiengesellschaft (DAI)
SAFRAN
Airbus
Vyair Medical (Vyair)
thyssenkrupp Steel Europe AG (tk SE)

20/04/2020
videoconference
Peugeot S.A.
Scania AB (publ) (Scania)
RENAULT
Fiat Chrysler Automobiles (FCA)
Northvolt
Association des Constructeurs Européens d'Automobiles (ACEA)
European Association Automotive Suppliers (CLEPA)
Bayerische Motoren Werke Aktiengesellschaft (BMW Group)
the automotive industry ecosystem - recovery measures

15/04/2020
Videoconference
Google
Tracing apps and privacy of individuals

28/04/2020
Videoconference
L'Oréal

22/04/2020
videoconference
Apple Inc.

21/04/2020
Videoconference
EuroCommerce
IKEA Services B.V. (Ingka Group (IKEA))
Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)

21/04/2020

Videoconference
DIGITALEUROPE (DE)

11/05/2020
Videoconference
Telefonica, S.A.

05/05/2020
Videoconference
European Utilities Telecom Council (EUTC)

28/04/2020
Videoconference
American Chamber of Commerce to the European Union (AmCham EU)

18/05/2020
Livestream debate
Facebook Ireland Limited (FB-I)

13/05/2020
Videoconference
Association des Constructeurs Européens d'Automobiles (ACEA)
European Association Automotive Suppliers (CLEPA)

Given that the meetings you have selected fall within the remit of different Commission services, you have been informed that the initial access to document request has been split between three different Directorate Generals (our ref. Ares(2020)3258587):

- DG CONNECT will handle part of your request under Gestdem 2020/2996;
- DG GROW will handle part of your request under Gestdem 2020/3792;
- DG DEFIS will handle part of your request under Gestdem 2020/3793.

The meetings falling within the remit of DG CONNECT are the following:

20/03/2020
Teleconference
The Walt Disney Company Benelux BVBA

19/03/2020
Teleconference
Google

19/03/2020
Teleconference
Netflix International B.V.

15/04/2020
Videoconference
Google
Tracing apps and privacy of individuals

28/04/2020

Videoconference
L'Oréal

22/04/2020
videoconference
Apple Inc.

21/04/2020
Videoconference
DIGITALEUROPE (DE)

11/05/2020
Videoconference
Telefonica, S.A.

05/05/2020
Videoconference
European Utilities Telecom Council (EUTC)

18/05/2020
Livestream debate
Facebook Ireland Limited (FB-I)

2. DOCUMENTS FALLING WITHIN THE SCOPE OF YOUR REQUESTS

The following documents have been identified as falling within the scope of your request for DG CONNECT, as restricted in the fair solution:

19/03/2020 – Teleconference - Netflix International B.V.

- **Document 1:** Notes of the audio meeting with Netflix (our ref. Ares(2020)3246615)
- **Document 2:** Email from Netflix to Commissioner Breton (cover letter) (our ref. Ares(2020)805701)
- **Document 3:** Letter from Netflix - Meeting request (our ref. Ares(2020)805701)

28/04/2020 – Videoconference - L'Oréal

- **Document 4:** Briefing note (our ref. Basis CAB Breton/200)

21/04/2020 – Videoconference - DIGITALEUROPE (DE)

- **Document 5:** Briefing note (our ref. BASIS CAB Breton/237).
- **Document 6:** Minutes of the VC with Digital Europe (our ref. Ares(2020)3431648)
- **Document 7:** DRAFT - Recommendations - Advisory Council_DRAFT FINAL_with numbers (Draft recommendations of policy actions prepared by DIGITAL EUROPE before the meeting and shared with the Cabinet of Commissioner Breton). (our ref. Ares(2020)3431648)

18/05/2020 - Livestream debate - Facebook Ireland Limited (FB-I)

- **Document 8:** Briefing note (our ref. Basis 276)

3. ASSESSMENT UNDER REGULATION 1049/2001

Having examined the documents requested under the provisions of Regulation 1049/2001, we have arrived at the conclusion that **2 documents** can be **fully disclosed** and **6 documents** can be **partially disclosed**.

a) Full access

Documents 5 and 7 can be fully released.

b) Partial access

Documents 1-4, 6 and 8 contain personal data, in particular:

- names, functions and contact details of EC staff not occupying senior management posts
- names, functions, handwritten signatures and contact details of other natural persons.

A complete disclosure of these 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 1049/2001.

Article 9(1)(b) of the Data Protection Regulation¹ 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 argument to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation 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.

4. REUSE OF DOCUMENTS

You may reuse the disclosed documents which have been produced by the European Commission or by public and private entities in line with the provisions of the [Commission Decision on the reuse of Commission documents](#). You may reuse these documents free of charge and for non-commercial and commercial purposes provided

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39

that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Documents originating from third parties are disclosed based on Regulation 1049/2001. The disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released 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

5. CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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 Secretariat-General of the Commission at the following address:

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 sincerely,

e-signed
Martin Schauer
p.o.Katleen Engelbosch

Enclosures: (8)