



**EUROPEAN COMMISSION**

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

The Director-General

Brussels  
GROW.01/AS

Ms Margarida Da Silva

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By email:  
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**Subject: Your application for access to documents – GESTDEM 2020/3792**

Dear Ms Da Silva,

We refer to your e-mail dated 18 May 2020 in which you make a request for access to documents, registered on the same day under the above mentioned reference number.

You request access *“All documents (including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations) and all correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) related to the meetings Commissioner Breton and members of his Cabinet have held with interest representatives since 01 March 2020”*.

Further to a fair solution agreement you have been informed that part of your request for access to documents originally handled by DG CNECT had been split and DG GROW would handle part of your request under reference Gestdem 2019/3792.

Your application concerns 38 documents the list of which you can find enclosed in the document register table.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that 36 documents (identified under No. 1-9 and 11-28 in the enclosed document register) may be fully or partially disclosed. Some parts of the documents have been blanked out as they were either out of scope of the request or their disclosure is prevented by exception

concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001.

The documents 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;
- handwritten signatures of 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 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.

In addition, documents 2, 3 and 15 contains commercially sensitive business information of the companies involved. Disclosure of parts of these documents would undermine the protection of the commercial interests of the companies, as putting this information in the public domain would affect their competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

Finally, I regret to inform you that your application for 2 documents (no. 10 and 29) cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4(2) first indent and 4(3) of this Regulation. Disclosure of such documents would undermine the protection of the commercial interests of the companies involved. As a result, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

Moreover, disclosure of said documents would seriously undermine the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Hence, the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to these documents.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

e-signed  
Kerstin Jorna

Enclosure:            Document Register  
                             36 Annexes