Subject: Your application for access to documents – GestDem 2020/4017

Dear Ms Cann,

I refer to your request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents\(^1\) (hereinafter ‘Regulation 1049/2001’), introduced via email on 2 July 2020 and registered on the same date under the abovementioned reference number. Furthermore, I refer to our acknowledgment receipt from the same date – our reference Ares(2020)3482181, and to our holding replies of 24 July 2020, Ares(2020)3909054, and 24 August 2020, Ares(2020)4384541, respectively.

1. REQUEST AND ASSESSMENT PURSUANT TO REGULATION 1049/2001

By your application, you request public access to the following:

‘Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I would like to request a list of all lobby meetings (including phone calls, conference calls etc) since 1 January 2019 where the EU’s Digital Services Tax proposal, or the OECD’s negotiations on a similar tax, were discussed. The list should include the names of the individuals and organisations participating; the date; the agenda; and any minutes / notes produced. I would additionally like to receive any emails or other correspondence related to proposals for a Digital Services Tax received or sent since 1 January 2019.’

You submitted several parallel requests to different services of the Commission, for which you have already received or are about to receive individual responses, notably:

- DG Taxation and Customs Union (GestDem 2020/4014);
- Secretariat-General (GestDem 2020/4018);
- DG Internal Market, Industry, Entrepreneurship and SMEs (GestDem 2020/4021);
- DG Budget (GestDem 2020/4027);
- DG Economic and Financial Affairs (GestDem 2020/4187);
- DG Competition (GestDem 2020/4272).

Accordingly, the response of DG CONNECT concerns only the area for which DG CONNECT was lead service within the Commission. As regards the remit of DG CONNECT, we regret to inform you that we do not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that DG CONNECT holds no such documents, corresponding to the description in your application, we are not in a position to fulfil your request.

2. POSSIBILITY OF A 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 its position on one or both of these GestDem files.

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
1049 Brussels
BELGIUM

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

Yours sincerely,

(e-Signed)

Roberto Viola