



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate E - Aviation
E.4 - Aviation safety

Brussels
MOVE.DDG2.E.4

Dear Mr Magill,

Subject: Your application for access to documents – Ref GestDem No 2020/4745

We refer to your application dated 05/08/2020 in which you make a request for access to documents, registered on 06/08/2020 under the above mentioned reference number.

The documents requested are the following ones:

“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting listed below:

- 1. Between representatives of the International Air Transport Association(IATA) and Commissioner Adina-Ioana Vălean on 20/07/20*
- 2. Between representatives of the International Air Transport Association(IATA) and Commissioner Adina-Ioana Vălean on 02/07/2020*
- 3. Between representatives of Airlines for Europe(A4E) and Commissioner Adina-Ioana Vălean on 20/07/20.”*

Having examined your request, please find attached documents defined as corresponding to your request. In particular, the concerned documents relates to meetings that took place on 2nd and 20th July 2020 that were of an informative nature. There are no known communications with other DGs or other entities.

These documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Transport and Mobility. They solely reflect the services’ interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

Having examined the attached documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and

Commission documents¹ (hereinafter ‘Regulation (EC) No 1049/2001’), I have come to the conclusion that they may 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 (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/EC² (‘Regulation 2018/1725’).

Some of the documents to which you request access contain personal data, in particular the names, signatures, contact details (email, telephone numbers) online identifiers pertaining to Commission staff members and other individuals. Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

Only if these conditions are fulfilled and the processing constitutes lawful handling in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, 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 case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the

¹ 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, OJ L 145, 31.05.2001, p. 43.

² 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 205 of 21.11.2018, p. 39.

protection of personal data, 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Bruxelles or by email to: sg-xxxxxxx@xx.xxxxxx.xx

Yours sincerely,

E-signed
Joachim LUECKING
Head of Unit

Enclosure: Mail exchange between IATA and A4E and Commissioner Vălean's cabinet, Report of the meeting