



EUROPEAN COMMISSION

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

The Director-General

Brussels
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Subject: Your application for access to documents – GESTDEM 2021/1705

Dear Mr Haar,

We refer to your e-mail of 18 March 2021 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to: “i) a list of meetings of DG GROW, the Commissioner and his cabinet and representatives of EFPIA (including Vaccines Europe), AstraZeneca, Pfizer, BioNTech, Johnson & Johnson, and Moderna since 1 September 2020. (ii) minutes and other reports of these meetings; (iii) all correspondence (including emails) between DG GROW, the Commissioner and his cabinet and representatives of EFPIA (including Vaccines Europe), AstraZeneca, Pfizer, BioNTech, Johnson & Johnson, and Moderna since 1 September 2020”.

We have identified the 18 documents falling within the scope of your request as listed in the enclosed document register.

With regard to the above mentioned documents, a complete disclosure of the identified 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 (EC) No 1049/2001, because they 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;
- the 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, following an examination of the document no. 14 “Minutes of the meeting with Moderna of 4 March 2021”, under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I regret to inform you that your application cannot be granted, as disclosure is prevented by the exception to the right of access laid down in Article 4(2) of this Regulation.

The third party concerned has objected to disclosure of the documents and it motivated its position as follows: the information contained in the documents constitute commercial confidential information the disclosure of which would undermine the protection of its commercial interests and/or may compromise existing relationships and/or future commercial negotiations with customers.

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Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this 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.

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

Sincerely yours,

Electronically signed

Kerstin JORNA
Director-General