



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

Employment and Social Governance

Social Dialogue

Head of Unit

Brussels, 20.04.2021

EMPL.A.2/SM/AH/(2021)2640839

Ms Zoé KAPPES

SAGE

ask+request-9226-e32fd036@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/1868

Dear Ms Kappes,

We refer to your e-mail of 22 March 2021 in which you make a request for access to documents, registered on 25 March 2021 under the above-mentioned reference number.

You request access to, I quote:

“documents which contain the following information:

- minutes and other reports of meetings between the European Commission (President von der Leyen, Commissioners, cabinet members, Commission staff, etc.) and representatives of industry stakeholders (including BUSINESSEUROPE, SMEunited, CEEP, BDI, BDA and others) where the issue of pay transparency was mentioned, between December 2019 and today. In the light of the lockdown and other corona-related restrictions, physical meetings are unlikely to have happened since mid-March. Please also include minutes and other reports of zoom meetings, phone calls and other exchanges during which the issue of pay transparency was mentioned.

- all correspondence (including emails) between the European Commission (President von der Leyen, Commissioners, cabinet members, Commission staff, etc.) and representatives of industry stakeholders (including BUSINESSEUROPE, SMEunited, CEEP, BDI, BDA and others) in which the issue of pay transparency was mentioned, between December 2019 and today.”

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been

1 GestDem 2020/3028 DG JUST, GestDem 2020/3029 SG 2

attributed to other Directorates-General¹. This reply relates only to the documents held by the Directorate-General for Employment and Social Inclusion. You received or will receive the replies from the other respective Directorates-General in due course.

Your application concerns the following documents:

- Minutes of the meeting of the Social Dialogue Committee of 25 September 2019, addressed to the Social Dialogue Committee, reference ARES (2020) 3490669, (hereafter ‘document 1’)
- Minutes of the meeting of the Social Dialogue Committee of 5 February 2020, addressed to the Social Dialogue Committee, reference ARES (2020) 3490750, (hereafter ‘document 2’)
- Draft minutes of the 4th meeting of the Executive Board Eurofound of 17 January 2020, reference ARES (2020) 3490715, (hereafter ‘document 3’)
- Minutes of a meeting with Ana Carla Pereira, Cabinet Expert/Employment and social advisor of Commissioner Nicolas Schmit, and SMEUnited of 20 January 2020, drafted by the COM services and addressed to Ms Pereira, reference ARES (2020) 3492721, (hereafter ‘document 4’)
- Email exchange between DG EMPL and European social partners of 6 March and 6 May 2020, relating to a targeted consultation with Social Partners and a mini-survey for employers, reference ARES (2020) 3481360, (hereafter ‘document 5’)
- Email exchange between DG EMPL and European social partners of 12 June 2020, reference ARES (2020) 3509255, (hereafter ‘document 6’)
- Background note for the attention of the social partners – dedicated hearing on the “pay transparency initiative”, reference ARES (2020) 3054548, (hereafter ‘document 7’)
- Invite and agenda “Consultation hearing on the “pay transparency initiative”” from DG EMPL to the European secretariats of the interprofessional organisations of 11 June 2020, ARES (2020) 3038113, (hereafter ‘document 8’)

With regard to the documents 1, 2, 3, 4, 8 listed above, 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;
- other information relating to an identified or identifiable natural person.

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.

¹ GestDem 2020/3028 DG JUST, GestDem 2020/3029 SG

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.

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.

Please note that some documents are preliminary drafts, which do not reflect the position of the Commission and cannot be quoted as such.

Some documents were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Employment and Social Inclusion. They solely reflect the service's interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which were not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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

Yours faithfully,

e-signed
Jörg Tagger

Enclosure: 'Documents 1-8'