



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate D: Equality and Union citizenship
Unit D.2: Gender equality

Brussels
JUST.D.2 KV/ET

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By email:
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Subject: Your application for access to documents – GESTDEM 2021/1869

Dear Ms Kappes,

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

You request access to:

- *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), trade associations and NGOs where the issue of pay transparency was mentioned, between May 2020 and today. Please also include minutes and other reports of online 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), trade associations and NGOs in which the issue of pay transparency was mentioned, between May 2020 and today.*

I consider your request to cover documents held up to the date of your initial application, i.e. 22 March 2021.

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 attributed to other Directorates-General.¹ This reply relates only to the documents held by the

¹ GESTDEM 2021/1743 – SG; GESTDEM 2021/1868 – DG EMPL.

Directorate-General for Justice and Consumers. You will receive the replies from the other respective Directorates-General in due course.

Your application concerns the following documents:

1. Invitation as a speaker - Austrian Trade Union Federation - Panel Discussion on Pay Transparency and Gender Equality in Brussels on 24.06.2020 - 17.07.2020 - Ares(2020)3788972
2. Reply to Austrian Trade Union Federation (ÖGB) for Panel Discussion on Pay Transparency and Gender Equality on 24.06.2020 - 08.05.2020 - Ares(2020)2449051
3. Minutes of the meeting between the European Centre of Employers and Enterprises (CEEP) and Commissioner Dalli - 17.07.2020 - Ares(2020)3788972
4. Request to President von der Leyen to support FPI/Fair Payment For Everyone – 20.07.2020 - Ares(2020)3817014
5. Reply to Request to President von der Leyen to support FPI/Fair Payment For Everyone – 01.09.2020 - Ares(2020)4525808
6. Minutes meeting with IKEA 10/09/2020 – 26.04.2021 - Ares(2021)2764517
7. Minutes meeting with BDI - Diversity at work 10/09/2020 - 26.04.2021 - Ares(2021)2764610
8. ETUCE demands to reconsider the European Commission's decision to postpone the adoption of EU Gender Pay Transparency Directive + Annex – 17.04.2020 - Ares(2020)2105539
9. Petitions/Expressions of concerns about the plan of the EC to put the EU Pay Transparency Directive and the whole Gender Equality Strategy onto ice. 53 letters and 3 attachments sent to the European Commission in reply to concerns raised by ETUC regarding a possible cancellation of the initiative on pay transparency were all registered under Ares(2020)5065613 (Documents numbered from 9.1 to 9.57 – a list of these organizations is available in attachment under point 19)
10. Reply to a Petition/Expression of concerns about the plan of the EC to put the EU Pay Transparency Directive and the whole Gender Equality Strategy onto ice – 24.09.2020 - Ares(2020)5011296
11. Goldman Sachs letter and a research paper on women participation in the workforce – 24.09.2020 - Ares(2020)5604293
12. Reply to Goldman Sachs letter and a research paper on women participation in the workforce – 25.11.2020 - Ares(2020)7083452
13. European Transport Workers' Federation (ETF) letter and attached Statement on EU Equal Pay Day: End the Gender Pay Gap – 04.11.2020 - Ares(2020)6336318
14. Reply to European Transport Workers' Federation (ETF) letter and Statement on EU Equal Pay Day: End the Gender Pay Gap - 09.12.2020 - Ares(2020)7463371

15. Letter from UN WOMEN Deutschland with recommendations to promote equality between women and men in all areas of society and to fully implement it by 2030 and Annex- 19.11.2020 - Ares(2020)6941806
16. Reply to Letter from UN WOMEN Deutschland with recommendations to promote equality between women and men in all areas of society and to fully implement it by 2030 -11.01.2021 - Ares(2021)226511
17. Letter from ETUC to Commissioner Dalli on initiative Gender Pay Transparency and two annexes – 27.01.2021 - Ares(2021)657617
18. Reply to Letter from Commissioner Dalli on initiative Gender Pay Transparency to European Trade Union Confederation - 12.02.2021 - Ares(2021)1220922
19. Ares registration of all documents under point 9.

The above numbering of the documents corresponds to the numbering of the attachments to this reply.

Documents 4, 8, 9.3, 9.4, 9.7, 9.26, 9.28, 9.31, 9.41, 9.46, 9.52, 9.53 and 11, had been sent to the European Commission with a disclaimer forbidding disclosing their content to third parties. In order to be in a position to disclose these documents, their attachments and the relevant replies (documents 5 and 12), we had to request senders for their permission to release redacted content. This delayed our reply for which I apologise.

With regard to some documents 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;
- handwritten signatures/abbreviated 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.

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.

Minutes of meetings (Documents 3, 6 and 7) were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Justice and Consumers and its Cabinet. It solely reflects 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 also 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

According to the standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to JUST-D2@ec.europa.eu .

Yours sincerely,

Karen VANDEKERCKHOVE
Head of Unit