



EUROPEAN COMMISSION

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

Planning, finance, data

B1. Planning & Briefings

Brussels
GROW.B.1/MS

Mr Finbarr Bermingham
South China Morning Post
Avenue du Derby 3,
Ixelles, Brussels, 1050
Belgium

By email:
finbarr.bermingham@scmp.com;
ask+request-10046-085cb8c7@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/5987

Dear Mr Bermingham,

We refer to your e-mail of 11 October 2021 in which you make a request for access to documents, registered on 11 October 2021 under the above-mentioned reference number.

You request access to: *documents which contain the following information:*

- *a list of meetings of DG Growth officials and/or representatives (including the Commissioner and the Cabinet) and representatives of Huawei, including lobby consultancies and law firms, and/or industry associations representing Huawei, between January 2018 and now;*
- *minutes, transcripts and other reports of these meetings;*
- *all correspondence (including emails, memos, phone calls, text messages, WhatsApp messages, presentations, reports) between DG Growth officials and/or representatives (including the Commissioner and the Cabinet) and representatives of EU member states to discuss Huawei between January 2018 and now.*
- *a record of internal discussions between DG Growth officials and/or representatives (including the Commissioner and the Cabinet) and Huawei's presence in European member states, including but not limited to Huawei's planned innovation centre in Finland, its Smart City memorandum agreement in Duisburg, Germany, and its planned 5G smart railway port in Hungary.*

We have identified the six enclosed documents that match the scope of your request and which are presented in the enclosed table.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that Document 1 may be disclosed in its entirety.

A complete disclosure of the 5 other identified document (n°2 to 6) 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, functions and contact information of Commission staff members not pertaining to the senior management;
- the names/initials, functions and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation¹ 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 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 n°2 to 8, 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 the minutes were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). They solely reflect the services' 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 the contents. They do not reflect the position of the Commission and cannot be quoted as such.

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.

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
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles,
or by email to: sg-acc-doc@ec.europa.eu

¹ 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 295, 21.11.2018, p. 39.

Yours faithfully,

Electronically signed

Laurence de Richemont
Head of Unit

Enclosure: 6