



**EUROPEAN COMMISSION**

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

The Director-General

Brussels  
GROW.B.1/MS

Lora Verheecke  
9 Rue du Bronze  
1070 Brussels

By email: ask+request-10191-  
3a847a12@asktheeu.org

**Subject: Your application for access to documents – GESTDEM 2021/6629**

Dear Ms Verheecke,

We refer to your e-mail of 5 November 2021 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

**I. Scope of your request and identification of documents**

You request access to: *“All documents—including but not limited to correspondence (including email and letters) containing substantive discussion relevant to the meeting topic, attendance lists, agendas, background papers, transcripts, recordings, minutes, notes, and meeting conclusions—relating to the Participation of Valère MOUTARLIER in the CDFP event on 17th March 2021”*.

We have identified 6 documents falling within the scope of your request and presented it in the enclosed table.

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.

## **II. Partial disclosure of documents 3 and 5**

With regard to documents 3 and 5, a complete disclosure 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.

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.

## **III. Non-disclosure of document 6**

Having examined document 6 under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that access to this document cannot be granted, as disclosure is prevented by the exception to the right of access laid down in Article 4(3) of this Regulation.

Document 6 relates to decisions that have not yet been taken by the Commission. Disclosure of the document would undermine the decision-making process of the Commission, as it would reveal preliminary views and policy options that are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

According to Article 4 of the Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the document concerned, which outweighs the interest protected by the exception to the right of access. In this case the Commission has reached the conclusion that there appears to be no overriding public interest in their disclosure in the sense of the Regulation.

We have considered whether partial access could be granted to the document requested in accordance with Article 4(6) of Regulation (EC) No 1049/200. However, this is not considered possible since the document in question is covered in its entirety by the above-mentioned exception.

#### **IV. Means of redress**

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*Electronically signed*

Kerstin Jorna  
Director-General

Enclosure: 6 (5 disclosed documents and the table)