



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES
Investment
C3. Public Interest Services, Concessions

Brussels
grow.c.3(2022)937313

Mr. Hoedeman
Corporate Europe Observatory
(CEO)
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Email: Olivier Hoedeman
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Subject: Your application for access to documents – GESTDEM 2021/8120

Dear Mr Hoedeman,

We refer to your e-mail of 16 December 2021, registered on 17 December 2021, in which you request access to documents under the above-mentioned reference number.

In particular, you request access to:

“- all reports (and other notes) from meetings with stakeholders (including companies and lobby groups) during which the Directive on concession contracts and the exclusion of the water sector from its scope was discussed.

- all correspondence (including emails and their attachments) with stakeholders (including companies and lobby groups) in which the Directive on concession contracts and the exclusion of the water sector from its scope was mentioned.

The request is limited to documents from January 1st 2020 onward”.

We have identified the enclosed documents that fall within the scope of your request. They are presented in the enclosed table.

A complete disclosure of all 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 data:

- the names/initials, contact information and functions of Commission staff members not pertaining to the senior management;
- the names/initials, contact details and functions of other natural persons.

In addition, Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data except if it is proven that it is necessary to have the data transmitted 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.

Based on the information available I therefore 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 document 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

Yours faithfully,

Jean-Yves MUYLLE
Head of Unit

Contact: TOADER, Maria-Magdalena, Maria-Magdalena.TOADER@ec.europa.eu

Enclosure:
Table - List of identified documents
Identified documents