



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL DEFENCE INDUSTRY AND SPACE

Coordination and Interinstitutional Relations

Brussels  
defis.01(2022)289200

VERHEECKE Lora  
9 rue du Bronze,  
1070 Bruxelles  
Belgium  
[ask+request-10446-dcb9bcb1@asktheeu.org](mailto:ask+request-10446-dcb9bcb1@asktheeu.org)

**Subject: Your application for access to documents – GESTDEM 2022/0098**

Dear VERHEECKE Lora,

We refer to your application for access to documents in object submitted within the framework of Regulation (EC) No 1049/2001.<sup>1</sup>

## **1. SCOPE OF YOUR APPLICATION**

In your application GESTDEM 2022/0098, registered 08/01/2022, you requested access to:

- **All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting between Thierry Breton and ASD on 10th November 2021.**

We have identified the following documents as falling within the scope of your request:

1. Lettera Invito BRETON\_Protocollata, Ares(2021)6204502 (Document 1);
2. Letter from ASD thanking the Commissioner for his presence on 10/11/2021, Ares(2021)7129080 (Document 2);
3. Lettre de Leonardo à M. le Commissaire Thierry Breton, Ares(2021)6204502 (Document 3);
4. Lettre Commissioner Breton to Intervene at ASD Board / GA Meeting, Ares(2021)7129080 (Document 4);

---

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

5. Lettre de Leonardo à M. le Commissaire Thierry Breton, Ares(2021)6204502 (Document 5);
6. Letter SUPER IMPORTANT: Invitation to the event ‘Space to the future: Sustainability. Competitiveness. Growth’, Ares(2021)5936890 (Document 6);
7. Invite Space for the future, Ares(2021)5936890 (Document 7).

After having consulted ASD and LEONARDO regarding the documents and information originating from them in accordance with Articles 4(4) and 4(5) of Regulation 1049/2001, DG DEFIS:

- gives partial access to Document 1-6 only subject to the redaction of personal data on the basis of Article 4(1)(b) (protection of the privacy and the integrity of the individual);
- gives full access to Document 7.

Please see below our analysis on the requested documents.

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001**

### **2.1. Protection of privacy and the integrity of the individual**

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where disclosure would undermine the protection of "*privacy and the integrity of the individual*", in particular in accordance with European Union legislation regarding the protection of personal data<sup>2</sup>.

The requested Documents 1-6 contains personal data such as names, functions and contacts of Commission's officials not having the function of senior management staff and of third parties identified in the documents. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put

---

<sup>2</sup> 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 ('Regulation 2018/1725').

forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, personal data have been redacted in the requested documents.

### **3. DISCLAIMER AND RE-USE OF DOCUMENTS**

Please note that information originating from third party is 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.

You may reuse the disclosed information originating from the European Commission free of charge, for non-commercial and commercial purposes, provided that the source is acknowledged, that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

### **4. MEANS OF REDRESS**

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make 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  
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](mailto:sg-acc-doc@ec.europa.eu)

According to 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 to 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 [defis-access-documents@ec.europa.eu](mailto:defis-access-documents@ec.europa.eu).

Yours faithfully,

Giancarlo Granero  
Head of Unit

Enclosure: identified Documents 1-7 expunged from data according to the Regulation  
1049/2001.