



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

The Director-General

Brussels  
TRADE/SW/C.2(2022)9270776

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**Delivery via the EASE portal**

**Subject: Your application for access to documents – EASE 2022/6619**

Dear Ms. Verheecke,

I refer to your request of 15 November for access to documents under Regulation (EC) No 1049/2001<sup>1</sup> ("Regulation 1049/2001").

**1. SCOPE OF YOUR REQUEST**

Under the present request EASE 2022/6619, you are requesting access to “*All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) AND the meeting minutes/notes relating to the meeting between DG Trade and the India Expert Network of the European System of Central Banks on 26th September 2022*”.

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

In accordance with settled case law<sup>2</sup>, when an institution is asked to disclose a document, it must assess, in each individual case, whether that document falls within the exceptions to the right of public access to documents set out in Article 4 of Regulation 1049/2001. Such assessment is carried out in a multi-step approach. First, the institution must satisfy itself that the document relates to one of the exceptions, and if so, decide which parts of it are covered by that exception. Second, it must examine whether disclosure of the parts of the document in question poses a ‘*reasonably foreseeable and not purely hypothetical*’ risk of undermining the protection of the interest covered by the exception. Third, if the institution takes the view that disclosure would undermine the protection of any of the interests defined under Articles 4(2)

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

<sup>2</sup> Judgment in *Sweden and Maurizio Turco v Council*, Joined cases C-39/05 P and C-52/05 P, EU:C:2008:374, paragraph 35.

and 4(3) of Regulation 1049/2001, the institution is required '*to ascertain whether there is any overriding public interest justifying disclosure*'<sup>3</sup>.

In view of the objectives pursued by Regulation 1049/2001, notably to give the public the widest possible right of access to documents<sup>4</sup>, '*the exceptions to that right [...] must be interpreted and applied strictly*'<sup>5</sup>.

Having examined your request under the applicable legal framework, I can inform you that we have identified **one document** that falls within the scope of your request, notably:

- Meeting report, dated 26 September 2022, Ares (2022/6621423) and Annex.

I am pleased to inform you that I can grant you partial access to the meeting report. Only some elements concerning the protection of privacy and integrity of the individual were redacted pursuant to Article 4(1)(b) of Regulation 1049/2001, while some additional elements were redacted as they are not within the scope of your request. The annex to the report is not accessible as it is not within the scope of documents related to the meeting between DG Trade and the India Expert Network of the European System of Central Banks on 26th September 2022.

The reasons justifying the application of the exception are set out below.

## **2.1. PROTECTION OF PRIVACY AND INTEGRITY OF THE INDIVIDUALS**

With regard to the identified document 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 1049/2001, because it contains some of 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.

Under Article 4(1)(b) of Regulation 1049/2001, access to a document has to be refused, if its 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*'.

The currently applicable legislation regarding the protection of personal data is Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018<sup>6</sup> ('Regulation 2018/1725').

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<sup>3</sup> *Id.*, paragraphs 37-43. See also judgment in *Council v Sophie in't Veld*, C-350/12 P, EU:C:2014:2039, paragraphs 52 and 64.

<sup>4</sup> Regulation (EC) No 1049/2001, recital (4).

<sup>5</sup> Judgment in *Sweden v Commission*, C-64/05 P, EU:C:2007:802, paragraph 66.

<sup>6</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, OJ L 205, 21.11.2018, p. 39.

Article 3(1) of Regulation 2018/1725 states that personal data ‘means any information relating to an identified or identifiable natural person [...]’. The Court of Justice has indicated that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.<sup>7</sup> Names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are thus to be considered personal data.<sup>8</sup>

Article 9(1)(b) of Regulation 2018/1725 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 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and as there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data.

A copy of the accessible document is enclosed.

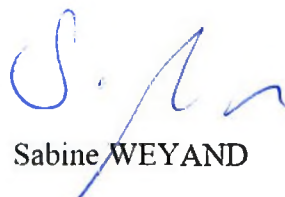
### **3. POSSIBILITY OF CONFIRMATORY APPLICATION**

In case you disagree with the assessment contained in this reply you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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 Secretary-General of the Commission at the following address:

Secretary-General  
Transparency, Document Management & Access to Documents unit SG-C-1  
European Commission,  
BERL 7/761049 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Sabine WEYAND

Enclosure (1): Report

<sup>7</sup> See judgment in *Nowak*, C-434/16, EU:T:2018:560, points 33 to 35.

<sup>8</sup> Judgment in *Chambre de commerce et d'industrie métropolitaine Bretagne-Ouest (port de Brest) v Commission*, T-39/17, EU:T:2018:560, points 43 and 44.