Dear Sir,

Subject: Your application for access to documents – 2022/7139

We refer to your application dated 08 December 2022 in which you make a request for access to documents, registered under the above mentioned reference number.

You request access to: “1. A list of meetings (from 1. May 2021 till today) of Commissioner Gentiloni, his cabinet or representatives of DG TAXUD AND representatives of BusinessEurope. 2. Minutes and other reports of these meetings. 3. All correspondence with entities listed above, including emails from 1. May 2021 till tod.”

Following a clarification request sent on 20 December 2022, you replied by e-mail the same day that you can agree with a reduction of the scope to the list of meetings, notes or minutes from those meetings, and any document exchanged between the two sides, including emails and preparatory documents, in connection with those meetings.

This reply addresses the request for information (a list of meetings) and the request for documents in accordance with Regulation (EC) No 1049/2001.

A list of meetings, is attached to this letter. Note that most of the meetings are related to expert groups. These expert groups are composed of several stakeholders (Member States, organisations, associations). We have listed the meetings in which BusinessEurope was represented. Please note that most of the documents related to these meetings are already publicly available in the Register of Expert Groups and Other Similar Entities and can be accessed via the links provided in the overview attached.

Besides the expert group meetings, there were a number of other meetings between officials of DG TAXUD and BusinessEurope. Relating these meetings we have identified the following 6 documents, that you will find enclosed herewith:

1. E-mail exchanges between DG TAXUD and BusinessEurope to be guest speaker
2. Minutes meeting of the BusinessEurope’s Advisory and Support Group, 29 September 2022
3. Minutes of the BusinessEurope VAT Policy Group, 26 July 2022
4. Minutes of the meeting with Business Europe on CBAM, 01September 2022
5. Minutes of the meeting of the EU VAT Forum Subgroup 7.2, “Administrative Sanctions and Interests”, 20 September and 8 October 2021
6. Minutes Physical participation to conference with BusinessEurope, 05 October 2022

**Document 1**

This is a document of BusinessEurope. In accordance with Article 4(4) of the Regulation, the third party was consulted as concerns the documents originating from them. They agreed with the disclosure of the document, on condition that the personal data was expunged.

**Documents 2 to 6**

Documents 1 to 4 and 6 are DG TAXUD’s minutes of the meetings with BusinessEurope. Document 5 are minutes of the EU VAT Forum subgroup 7.2 “Administrative Sanctions and Interests” in which BusinessEurope was represented. The report of this subgroup can be found on the TAXUD EUROPAPA webpage.

Having examined the documents requested under Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to inform you that the documents can be disclosed. Some references to personal data have been redacted (see below under Personal data).

**Personal data**

Documents 1, 3, 4 and 5 to which you have requested access contain personal data (names Commission and third party officials, office data, telephone numbers, e-mail addresses).

Pursuant to Article 4(1) (b) of Regulation (EC) No 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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 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 the 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’.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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:

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

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and 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.

Yours sincerely,

(e-Signed)

Emer Traynor
Head of Unit

Annexes: 6 documents and overview with list of meetings, as stated above