Subject: Your applications for public access to documents – EASE 2023/2983, EASE 2023/2983, EASE 2023/3003 and EASE 2023/3004

Dear Ms Verheecke,

I refer to your applications dated 23 May 2023, registered on the same date under the above mentioned EASE reference numbers EASE 2023/2982 and EASE 2023/2984 respectively, and to your applications dated 24 May 2023, registered on the same date under the above mentioned EASE reference numbers EASE 2023/3003 and EASE 2023/3004 respectively, in which you make requests for access to documents under Regulation (EC) No 1049/20011 (‘Regulation 1049/2001’). Kindly accept our apologies for the delayed reply to your requests.

1. SCOPE OF YOUR REQUEST

You have been requesting public access as follows:

‘All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) AND the meeting

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minutes/notes relating to the meeting between Valdis Dombrovskis and TotalEnergies on 16th February 2023’ (EASE 2023/2982);

‘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 Valdis Dombrovskis and VERBOND VAN BELGISCHE ONDERNEMINGEN / FEDERATION DES ENTREPRISES DE BELGIQUE on 16th February 2023’ (EASE 2023/2983);

‘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 Valdis Dombrovskis and Safran on 16th February 2023’ (EASE 2023/3003)

‘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 Valdis Dombrovskis and MEDEF on 16th February 2023’ (EASE 2023/3004).

Please note that all your four applications relate to one and the same single event, i.e. a (one!) round table meeting involving the different entities you have indicated separately in your four requests.

We have accordingly identified two documents falling within the scope of your four requests:

01 – Ares(2023)1224824 – Minutes from Round table on Critical Raw Materials package 16-02-2023;


For details and numbering kindly refer to the enclosed document ‘Annex – List of identified documents and type of disclosure’.

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

Having examined the requested documents under the applicable legal framework, I am pleased to grant you partial access to document 01, with only personal data redacted, and full access to document 02.

A complete disclosure of document 1 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.

Copies of the accessible documents (document 1 in its redacted version) are enclosed to the present letter.

### 2.1.1. ‘Personal data’

Article 4(1)(b) of Regulation 1049/2001 provides that ‘[t]he institutions shall refuse access to a document where 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 (EU) No 2018/1725\(^2\) (hereafter ‘Regulation 2018/1725’ or ‘Data Protection Regulation’).

Article 3(1) of Regulation 2018/1725 provides that personal data means ‘any information relating to an identified or identifiable natural person [...]’. The Court of Justice has specified 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. Please note in this respect that the names, signatures, functions, email addresses, telephone numbers etc., and/or initials pertaining to staff members of an institution are to be considered personal data\(^3\), as well as those of individuals belonging to third parties.

We disclose the identified document 1 only partially, as it contains certain personal data, which must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names initials and contact information of Commission staff members not pertaining to the senior management.

### 2.1.2. Question of ‘transfer’ of personal data and conclusion

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, 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.

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\(^3\) Judgment in Peter Novak v Data Protection Commissioner, case C-434/16, ECLI:EU:T:2018:560, points 33-35.
2.2. DISCLAIMER(S)

Please kindly pay attention to the following: you may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents. You may reuse the documents disclosed 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 documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, document 1 was drawn up under the responsibility of the relevant Commission official. It solely reflects the author's interpretation of the interventions made and does not set out any official position of any third party to which the document may refer, which was/were not consulted on its content. It does not necessarily reflect the position of the Commission and, therefore, cannot be quoted as such. Similarly, document 2 can also not be seen as necessarily being reflecting the Commission position, because, as you may be aware, in the occasion and context of this document and the related event it is ultimately the spoken word (which may differ in the detail from the prepared draft text of speaking points and key messages).

3. POSSIBILITY OF CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 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, either by

- asking for a review via your portal account (available only for initial requests submitted via the portal account), or
- email to sg-acc-doc@ec.europa.eu, or
- letter post to the following address:
  European Commission
  Secretariat-General
  ‘Transparency, Document Management & Access to Documents’ (unit SG C.1)
  BERL 7/76
  Rue de la Loi 200/Wetstraat 200
  1049 Brussels.

Yours sincerely,

[Electronically signed]

Maud LABAT
Head of Unit

f.f. Didier BLOCH

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5 https://www.ec.europa.eu/transparency/documents-request
Enclosure(s): (3) Annex ‘List of identified documents and types of disclosure’.
2 documents (I partially redacted).