Subject: Your application for access to documents 2023/4808

Dear Mr DUFFY

We refer to your request for access to European Commission documents registered on 11/08/2023 under the above-mentioned reference number.

You request access to all available information on the exchange between Executive Vice-President Vestager and RBB Economics regarding the termination of the contract for a study on 'the Commission assessment of future market entry, expansion and imports in EU merger decisions'.

Your application concerns the following documents:

- SERVICE CONTRACT COMP 2021 OP 0003 - Termination letter 24 July, signed by the Director – General Affairs Maria VELENTZA, addressed to RBB Belgium NV, on July 27, 2023; Ares(2023)5208510;

- Cover letter for signed termination letter, signed by the Director – General Affairs Maria VELENTZA, addressed to RBB Belgium NV, on July 27, 2023; Ares(2023)5208510.

With regard to the documents listed above, a complete disclosure of the 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 personal data:

- the names/initials and contact details of other natural persons;

Article 9(1)(b) of the Data Protection Regulation 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 (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.
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 to the Secretariat-General of the Commission within 15
working days upon receipt of this letter. You can submit it via your EASE portal¹ account.

Yours faithfully,

Julia Brockhoff
Head of Unit

¹ https://www.ec.europa.eu/transparency/documents-request