Subject: Your application for public access to documents – EASE 2024/1334

Dear Ms Von Minden,

I refer to your application dated 8 March 2024, registered on 11 March 2024 under the above mentioned EASE reference number, in which you make a request for public access to documents under Regulation (EC) No 1049/20011 (‘Regulation 1049/2001’).

1. SCOPE OF YOUR REQUEST

You have been requesting public access to the following documents:

‘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 Association Française des Entreprises Privées (AFEP) and cabinet members of Commissioner Valdis Dombrovskis, Andrea Beltramello and Glints Freimanis, on 29 April 2021’.

We have identified 4 documents falling within the scope of your request:

01 – Ares(2021)1765156 – Meeting Request – AFEP 29-04-21;
03 – Ares(2021)1765156 – Meeting Request attachment – Study on trade and climate change – AFEP 29-04-21

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2.  ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

Having examined the requested documents under the applicable legal framework, partial access is granted to all four identified documents, with only personal data redacted.

A complete disclosure of these four 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 1049/2001 (for details please see below).

Copies of the accessible documents (in their redacted version) are enclosed to the present reply letter.

2.1.  Protection of privacy and the integrity of the individual – Article 4(1)(b) of Regulation 1049/2001

2.1.1.  ‘Personal data’

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

– the names/initiats and contact information of Commission staff members not pertaining to the senior management;
– the names/initiats and/or contact details of other natural persons – other than Commission staff members;
– handwritten signatures/abbreviated signatures and/or other handwritings of natural persons;
– other information relating to an identified or identifiable natural person.

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 2018/17252 (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

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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, as well
as those of individuals belonging to third parties. As already indicated above, all
identified documents contain such personal information.

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

In your application, you indicate that your address is in the United Kingdom. In this regard,
please note that transfers of personal data from the Commission to countries that are not
members of the European Economic Area (EEA), or to international organisations are
regulated under Chapter V of Regulation 2018/1725.

According to Article 47(1) of Regulation 2018/1725, a transfer of personal data to a third
country or an international organisation may take place where the Commission has decided
that the third country, a territory or one or more specified sectors within that country, or the
international organisation in question ensures an adequate level of protection and where the
personal data are transferred solely to allow tasks within the competence of the controller to
be carried out.

Based on the information available, the country of your residence is recognised by the
Commission as ensuring an adequate level of protection. However, we would further like to
inform you that 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 express particular interest to have access to these personal data. However,
you do not put forward any arguments to establish the necessity to have the data transmitted
for a specific purpose in the public interest.

Consequently, we 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.

2.2. Disclaimers

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

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3 Judgment in Peter Novak v Data Protection Commissioner, case C-434/16, points 33-35,
distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, please note that documents containing content of third party origin, i.e. either documents entirely originating from third parties or documents containing parts of third party origin (like in the present case: documents 01, 02 and 03) are disclosed to you based on Regulation 1049/2001. However, disclosure of such third party content 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 the reuse of those documents or parts of documents.

Finally, document 04 was drawn up under the responsibility of the relevant official. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third party to which the document refers, which was not consulted on its content. It does not necessarily reflect the position of the Commission and, therefore, cannot be quoted as such.

3. POSSIBILITY OF A 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  
  BELGIUM.

Yours sincerely,

[Electronically signed]

ff.

Annette GRÜNBERG  
Deputy Head of Unit

Enclosure(s): List of documents,  
4 documents *(partially redacted)*

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