



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Resources and Communication  
Acting Director

**16 MARS 2015**

Brussels,  
GROW/ALR/md/grow.r.4(2015)943455

*By registered letter with  
acknowledgment of receipt*

Ms Pia Eberhardt  
Corporate Europe Observatory  
26 Rue d'Edimbourg  
1050 Brussels

*Advance copy by email:  
ask+request-1645-  
4efce877@asktheeu.org*

**Subject: Your application for access to documents**  
**Ref GestDem No 2015/0093**

Dear Madam,

We refer to your e-mail dated 12/12/2014 in which you make a request for access to documents, registered on 05/01/2015 under the above mentioned reference number.

Your application concerns the following documents:

- 1) a list of meetings of DG MARKT officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies, business associations, law firms, think tanks and lobby consultancies in which the issue of services in the TTIP negotiations was discussed, including regulatory cooperation for financial services (between June 2013 and today);
- 2) minutes and other reports of these meetings;
- 3) all correspondence (including emails) between DG MARKT officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies, business associations, law firms, think tanks and lobby

consultancies regarding the issue of services in the TTIP negotiations, including regulatory cooperation for financial services (between June 2013 and today).

Your request, originally addressed to former DG MARKT, has been split into two parts. The first one, concerning financial services, was attributed to Directorate-General Financial Stability, Financial Services and Capital Markets Union (DG FISMA) following the reorganization of DG MARKT. The second one, concerning other services, was dealt with by Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). The present reply concerns the part of your request on services which now fall under the remit of DG GROW, and more particularly, the documents received/sent by the former Commissioner Barnier and/or his Cabinet and identified by the historical archives. You will receive a second reply from DG GROW concerning the documents received/sent by former DG MARKT.

Some of the documents to which you have requested access contain personal data, in particular: e-mail addresses, mobile telephone numbers, Skype ID, VAT numbers and bank details which are not in the public domain.

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 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

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.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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.

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055

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  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a final horizontal stroke.

Lluís Prats

Enclosures:

- List of documents – EBERHARDT – GESTDEM 2015 0093
- Email and cover letter UNIFE on TTIP (doc 1 of Excel table)
- UNIFE position on TTIP (doc 2 of Excel table)
- BUSINESSEUROPE letter on Public Procurement in TTIP (doc 3 of Excel table)
- Reply Commissioner Barnier to UNIFE (doc 4 of Excel table)
- Letter Commissioner Barnier to Frédéric Lefebvre (doc 5 of Excel table)
- E-mail Bernard Chautemps to Commissioner Barnier (doc 6 of the Excel table)
- QUENDLER (KLRÖ) position on TTIP (doc 7 of Excel table)
- ORGALIME position on TTIP (doc 8 of Excel table)