

EUROPEAN COMMISSION

Directorate-General for Trade

Directorate A - Resources, Information and Policy Coordination
Information, Communication and Civil Society

Brussels, **19 AVR. 2016**
trade.a.3.dir (2016) 1257859

By registered letter with acknowledgment of receipt

Ms Lora Verheecke
Corporate Europe Observatory (CEO)
26 rue d'Edimbourg
1050 Brussels
Belgium

Advance copy by email:
ask+request-2648-034ab469@asktheeu.org

Subject: Your application for access to documents – Ref. GestDem No 2016/1024

Dear Ms Verheecke,

I refer to your e-mail of 2 March 2016 in which you make a request for access to documents under Regulation (EC) No 1049/2001 ("Regulation 1049/2001"),¹ registered on the same date under the above mentioned reference number.

You request access to "*all communication, including emails and documents (agenda, minutes, list of participants, etc.)*" related to the meetings between Miguel Ceballos Baron and Cooperativas Agro-Alimentarias de España on 24 February 2016.

We have identified five documents falling within the scope of your request. In particular,

- A power point presentation, Ares(2016)650281 ("**document 1**");
- A power point presentation, together with an e-mail exchange between Cooperativas Agro-Alimentarias de España and the Cabinet Ares(2016)650281 ("**document 2**");
- A note of Cooperativas Agro-Alimentarias de España on TTIP, Ares(2016)650281 ("**document 3**");

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

- The report of the meeting between the Cabinet and Cooperativas Agro-Alimentarias de España on 24 February 2016, Ares(2016)1092481 ("**document 4**");
- An e-mail exchange containing the request of meeting, dated February 2016, Ares(2016)1094711 ("**document 5**");

I am glad to grant you full access to the five documents.

Some personal data have been redacted in accordance with Article 4.1(b) of Regulation 1049/2001. In line with the Commission's commitment to ensure transparency and accountability,² the names of the members of Cabinet are disclosed. The names of chief officers of the private companies and of public figures are also available, as well as the names of senior management of the Commission starting from the Director level (included).

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 (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.³

The Court of Justice has ruled that "where an application based on Regulation 1049/2001 seeks to obtain access to documents containing personal data" "the provisions of Regulation 45/2001, of which Articles 8(b) and 18 constitute essential provisions, become applicable in their entirety".⁴

Article 2(a) of Regulation 45/2001 provides that "'personal data' shall mean any information relating to an identified or identifiable natural person [...]". The Court of Justice has confirmed that "there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of 'private life'"⁵ and that "surnames and forenames may be regarded as personal data",⁶ including names of the staff of the institutions.⁷

² See Commission decisions C(2014) 9051 and C(2014) 9048 of 25 November 2014 on the publication of information on meetings held between Members and Directors-General of the Commission and organisations or self-employed individuals.

³ 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 the free movement of such data, OJ L 8, 12.1.2001, p. 1.

⁴ Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 101; see also judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraphs 63 and 64.

⁵ Judgment in *Rechnungshof v Rundfunk and Others*, Joined cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.

⁶ Judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraph 68.

⁷ Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 111.

In accordance with Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish *"the necessity of having the data transferred"* and additionally *"if there is no reason to assume that the legitimate interests of the data subjects might be prejudiced"*. The Court of Justice has clarified that *"it is for the person applying for access to establish the necessity of transferring that data"*,⁸ including names of the staff of the institutions.⁹

I consider that that you have not established the necessity of having the aforementioned personal data transferred to you. Moreover, it cannot be assumed on the basis of the information available, that disclosure of such personal data would not prejudice the legitimate interests of the persons concerned. Therefore, these personal data shall remain undisclosed in order to ensure the protection of the privacy and integrity of the individuals concerned.


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In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this decision.

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

Yours sincerely,



Lutz Güllner
Head of Unit

Encl.: (partially) accessible documents

⁸ *Id.*, paragraph 107; see also judgment in C-28/08 P *Commission v Bavarian Lager*, EU:C:2010:378, paragraph 77.

⁹ Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 111.