



EUROPEAN COMMISSION
Secretariat-General

Directorate E - Policy Co-ordination II
SG.E.1-Citizens and Security

Brussels, 4 May 2016
SF/WS

By registered letter with acknowledgment of receipt

Mr.O. Hoedeman
Corporate Europe Observatory
Rue d'Edimbourg 26
BE-1050 Brussels

Advance copy by email:

Dear Mr Hoedeman,

Subject: Your application for access to documents – Ref GestDem No 2016/1761

We refer to your e-mail dated 22/04/2016 in which you make a request for access to documents, registered on 22/04/2016 under the above mentioned reference number.

Your request concerns the following documents: *"all minutes and other reports of the AECA Round-Table on "Dealing with Regulatory Burden" (on 2016-01-14) in which Bernardus Smulders participated as well as British American Tobacco (BAT)" and all correspondence (including emails) related to the AECA Round-Table on "Dealing with Regulatory Burden" (on 2016-01-14) in which Bernardus Smulders participated as well as British American Tobacco (BAT)."*

Your request concerns the following documents (enclosed):

- 1) E-mail of 23 February 2015 with three attachments
- 2) E-mails of 5 March and 4 May 2015 (in one pdf)
- 3) E-mail of 26 August 2015
- 4) E-mail of 31 August 2015 with two attachments
- 5) E-mail of 10 September 2015 with attachment
- 6) E-mail of 26 November 2015 with attachment
- 7) E-mail of 23 December 2015 with attachment
- 8) E-mail of 12 January 2016 with three attachments
- 9) E-mail of 13 January 2016 with two attachments
- 10) E-mail of 14 January 2016 with attachment
- 11) E-mail of 21 January 2016

Most of the documents to which you have requested access contain personal data, in particular name and contact details of individuals.

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.¹

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.²

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/or 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.

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.

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 5/282, B-1049 Bruxelles; or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



William SLEATH
Head of Unit

Enclosures

¹ Official Journal L 8 of 12.1.2001, p. 1.

² 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.