



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director-General

Brussels,
RV/MCH

By registered letter with acknowledgment of receipt

Nina Katzemich

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GERMANY

Advance copy by email: ask+request-3125-cd28c973@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2016/3880

Dear Ms Katzemich,

We refer to your e-mail dated 12/07/2016 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number. We also refer to our request for clarifications sent on 28/07/2016 and to your reply of 07/09/2016 as well as our proposal for a fair solution sent on 28/10/2016 and to your last email reply of 14/11/2016.

In this last email, you agreed to narrow down your initial request to:

- '- All invitations sent by Commissioner Oettinger to the 2016 Europa Forum Lech (you can omit any replies or follow-up messages)*
- A list of all participants who attended the 2016 Europa Forum Lech, including Commission officials and external parties*
- A schedule or programme of the Forum Lech*
- Any minutes of the meetings which took place during the Forum Lech*
- A list of all contributors to the costs of the Forum Lech and a general cost report.'*

The documents concerned are mentioned under each point of your request.

- a) *'All invitations sent by Commissioner Oettinger to the 2016 Europa Forum Lech (you can omit any replies or follow-up messages)'*

To this regard we identified and attached to this reply the following documents:

- Invitation and Confirmation letters to Europa Forum Lech participants from Commissioner Oettinger and Mayor Muxel (ARES(2016)1831528 – 18/04/2016);

- Invitations from Commissioner Oettinger to other EC Commissioners (ARES(2015)s66325291);
- Invitations from Commissioner Oettinger to several responsible ministers (ARES(2015)s66325291)
- Invitation to the press conference with Commissioner Oettinger

b) *'A list of all participants who attended the 2016 Europa Forum Lech, including Commission officials and external parties'*

The list of participants is publicly available under the following web address:

http://europaforum.lech.eu/draft_pro/Participants.pdf.

c) *'A schedule or programme of the Forum Lech'*

The agenda ('Programme') of this event is added to the annex.

d) *'Any minutes of the meetings which took place during the Forum Lech'*

No minutes have been taken at the 2016 Europa Forum Lech. However there do exist four discussion papers (one for each session), which you will find enclosed to this reply.

e) *'A list of all contributors to the costs of the Forum Lech and a general cost report'*

We have neither such a 'list of all contributors to the costs', nor any general cost report. All sponsoring and funding were done by the town of Lech independently. The European Commission paid only for its own staff attending this event.

The documents, to which you have requested access and which are released to you, contain personal data – with the exception of the 'programme' document.

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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of that 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 the personal data.

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 C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

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 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-Signed)
Roberto Viola
Director-General

CC: Lisa Hirdes, buero02@lobbycontrol.de

Encl.: Redacted documents