



EUROPEAN COMMISSION

Secretariat-General

Directorate D - Policy Co-ordination I

SG.D.3 - Resource Efficiency

Head of Unit

Brussels, **16 NOV. 2016**

sg.dsg1.d3/MKcv(2016)7051141

Ms. Marijke Vermander

email: ask+request-3512-c50055a8@asktheeu.org

Subject: Your application for access to documents – Ref. GestDem No 2016/5962

Dear Madam,

We refer to your e-mail dated 24/10/2016 in which you make a request for access to documents, registered the same day under the above mentioned reference number.

Your applications concerned access to correspondence between Commissioner Cañete; Vice-President Šefčovič and members of their cabinets with representatives from the Magritte Group, covering the period from November 2014 until today. You can find the requested correspondence enclosed.

The documents, to which you have requested access, contain personal data. 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 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 document requested expunged from this personal data.

¹ OJ L 8 of 12.1.2001, p. 1

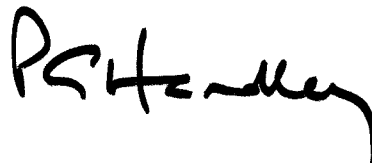
² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

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 5/327
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Handley', written in a cursive style.

Peter Handley

Enclosures:

13 documents