



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Director-General

Brussels, 11 MARS 2013
DG JUST/01/MJA/zh Ares 2013

Sent via email:
ask+request-356-d6335d66
@asktheeu.org

Subject: Your application for access to documents – Ref GestDem N° 2013/0572

Dear Ms Tansey,

We refer to your e-mails dated 6 and 8 February 2013 in which you make a request for access to documents registered under the above mentioned reference number.

Your application concerns the following documents:

- 1) One e-mail from Clifford Chance from 5 December 2011 and the reply from DG JUSTICE from 3 February 2012;
- 2) One e-mail from Clifford Chance from 2 October 2012 and the reply from DG JUSTICE from 3 October 2012;
- 3) one e-mail from Clifford Chance from 25 May 2012 with annex and another e-mail from Clifford Chance from 30 May 2012 and the reply from DG JUSTICE from 30 May 2012;
- 4) One letter from Clifford Chance from 12 July 2012. This letter concerns an on-going investigation by DG COMP concerning a company which they represent as lawyers. This document will not be disclosed as we understand from your exchange of correspondence with DG COMP that this is not the kind of documents you are looking for.

Having examined the documents listed under 1) to 3) at the light of the provisions of Regulation (EC) N° 1049/2001 regarding public access to, I have come to the conclusion that the documents can be partially disclosed due to the fact that they 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 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.

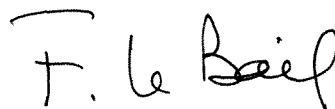
If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment done regarding the documents, 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-5
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 'F. Le Bail'.

Françoise LE BAIL

Enclosures: Documents requested

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, not yet reported