



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director General

Brussels, 5th November 2018
CONNECT/R4

Ms Marlene Straub
Bundestagsbüro Julia Reda, MEP
Unter den Linden 50
11011 Berlin
Germany

Advance copy via email:
ask+request-5919-ad42c9db@asktheeu.org

REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Your application for access to documents- Ref GestDem 2018/4822

Dear Ms Straub,

We refer to your e-mail, dated 13/9/2018 in which you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ('Regulation 1049/2001'), registered on the same date under the above-mentioned reference number. We also refer to our email dated 4/10/2018, our reference Ares(2018)5101027, whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

By your application, you requested:

''documents which contain the following information:

- Briefing documents for Commissioner Ansip's meetings with third parties, minutes, memos protocols or any form of documentation from such meetings, including audiovisual presentations and any material Commissioner Ansip was given throughout, as well as any subsequent internal communication on the meetings. This definition is to be understood broadly, as covering any documentation of information.

- Briefing documents for Commissioner Ansip's cabinet members' meetings with third parties, minutes, memos, protocols or any form of documentation from such meetings, including audiovisual presentations and any material Commissioner Ansip's cabinet member was given throughout, as well as any subsequent internal communication on the meetings. This definition is to be understood broadly, as covering any documentation of information.

To allow for a prompt, efficient response, I would like to limit the temporal scope of this request to meetings dated between 1 January 2018 and 13 September 2018.

For the sake of clarity, I am referring to meetings listed at but not limited to <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=57870d0f-2fb5-4f5b-9bea-7f2a661c64ac> (titled "Meetings of Vice-President Andrus Ansip with organisations and self-employed individuals") and <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=cd3770a0-4fb5-4e79-a343-072b167456b3> (titled "Meetings of Cabinet members of Vice-President Andrus Ansip with organisations and self-employed individuals"). If meetings were held between Commissioner Ansip/Commissioner Ansip's cabinet and third parties within my given timeframe, which are not listed publicly for any reason, I would like to request that documentation (as defined above) be provided of these too.

In particular, I am interested in meetings covering the following subjects: Platforms, Startups, Illegal Content/Tackling Illegal Content Online, Terrorist Content Online, Copyright, Artificial Intelligence/AI and Code. If meetings have taken place, which touch upon these subjects but do not mention them in their description of subject, I would like to request documentation for those meetings too. Furthermore, I would like to request all described documentation, not limited to the subjects above, from Commissioner Ansip's cabinet member Stig Joergen Gren's third party meetings."

On 4/10/2018, we proposed a fair solution (our reference Ares(2018)5101027) inviting you to narrow down the scope of your request (i.e. the subject matters, participants, timeframe), to reduce the amount of documents. In fact, according to our estimates and taking into account your parallel request GestDem 2018/4823 and other tasks that the concerned staff has to deal with during the same period and the limited human resources available, only documents relating to a maximum of 10 meetings could possibly be dealt with within the extended deadline. We provided you with a list of the meetings held between 1/1/2018 until 13/9/2018, indicating the dates, participants and topics. In case you were not able to specify the meetings, we proposed limiting your request to the documents on the 10 most recent meetings between Vice-President Ansip and his cabinet's members with third parties.

In your response you stated: "My interest in the requested information is curiosity, and my right to access it as an EU citizen" and you explained that it was therefore difficult for you to narrow down your request to specific topics but that you would be happy to do so if you received a list of documents for all the meetings that took place. In this context, you referred to internal Commission guidance for fair solution proposals which states that a list of documents should be provided and an estimate of the working days needed for dealing with the request. You then rejected our proposal to limit the scope of your request.

Given the huge number of meetings, providing a list of all documents on all 153 meetings of the Commissioner and cabinet members with third parties is not feasible within the statutory timeframe of an access-to-documents request.

Given your unavailability to narrow down the request by choosing topics and/or meeting dates, the Commission services started to identify the documents for the 10 most recent meetings. This requires the Commissioner's cabinet and many units of the Commission services, to identify documents that possibly have been established for each meeting, to assess whether there are any interests to be protected under Article 4 of Regulation 1049/2001 including the assessment of whether rights of third parties and their commercial interests could be damaged if the documents were released. The administrative burden of this is very high.

In line with the principles of sound financial management and good administration to which the Commission is bound pursuant to Article 310(5) of the Treaty on the Functioning of the European Union, we are obliged to balance your possible interest in access against the workload resulting from the processing of your application. This is in line with the case law of the EU Courts¹. We have therefore restricted the scope of your application to what we could achieve, with the Commission's scarce resources, in the given timeframe to the 10 most recent meetings.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

The following meetings are within the scope of the request after having been restricted as set out above:

Commission representative(s)	Meeting date	Location	Subject	Entity/ies met
Andrus Ansip	10-09-2018	Brussels	Investment plan in Europe, e-Privacy, 5G	Vodafone Belgium SA (VBSA)
Kamila Kloc				
Laure Chapuis-Kombos				
Maximilian Strotmann	10-09-2018	Brussels	IoT, standardisation, 5G	QUALCOMM Inc.
Stig Joergen Gren	07-09-2018	Brussels	Artificial Intelligence	Confederation of Swedish Enterprise
Stig Joergen Gren	07-09-2018	Brussels	Broadcasting regulation	EBU-UER
Vivian Loonela	07-09-2018	Brussels	DSM/CYBERSECURITY	The International Federation of Inspection Agencies
Juhan Lepassaar	06-09-2018	Brussels	Platform-to-business	Airbnb Ireland UC
Stig Joergen Gren				

¹ Judgment of the Court of Justice of 2 October 2014 in case C-127/13, Strack v Commission, paragraphs 27-28.

Andrus Ansip	05-09-2018	Brussels	DSM state of play and further challenges	Miltton Brussels SPRL
Aare Järvan				
Maximilian Strotmann	05-09-2018	Brussels	eIDAS	United Internet AG
Vivian Loonela	05-09-2018	Brussels	E-Privacy, Cybersecurity Act	Symantec Corporation
Laure Chapuis-Kombos				
Andrus Ansip	04-09-2018	Vilvoorde	Data protection, free flow of data, research programmes	ABB, G4S pls (G4S), BNP Parisbas, bpost NV, Randstad NV (randstad)
Stig Joergen Gren				

Within the given timeframe we were able to identify and examine the following documents related to the **Meeting –“Tomorrowlab” International Executive Roundtable (04-09-2018)**:

1. Steering Brief
2. Meeting conclusions

Given the limited timeframe, we were not able to complete the verification on whether further documents exist and whether they can be made available.

3. ASSESSMENT UNDER REGULATION 1049/2001

Having assessed the identified and examined documents, we have arrived at the conclusion that these documents can be partially disclosed. Parts of the documents contain personal data, in particular names, contact and other details and functions of the Commission staff or external staff.

Pursuant to Article 4(l)(b) of Regulation 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 Union 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 (hereinafter “Regulation 45/2001”)².

According to Article 8(b) of Regulation 45/2001, personal data shall be transferred to recipients only 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.

² Official Journal L8 of 12.1.2001,p.1 See also Judgment of the Court of Justice of the EU of the 29 June 2010 in case 28/08P, *Commission/ The Bavarian Lager Co. LTD*, ECR 2010 I-06055.

We consider that 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 a version of these documents in which the personal data have been redacted.

You may reuse these documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

With regard to Document No 2, please note that it was drawn up for internal use under the responsibility of the relevant Cabinet. It solely reflects the author's interpretation of the interventions made and do not set out any official position of the third parties to which the document refers.

4. CONFIRMATORY APPLICATION

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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
1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-Signed)
Roberto Viola

Enclosures: (2)