Subject: Your application for access to documents – Ref GestDem 2020-1150 & GestDem 2020-1302

Dear Mr Haar,

I refer to your applications dated 26 February 2020, in which you make two requests for access to documents under Regulation (EC) No 1049/2001, registered on 27 February and 4 March 2020 under the above mentioned reference numbers. Due to the similarity of both requests, we have decided to answer them via one consolidated reply letter.

In your request, you asked for access to the following document:

“A list of all lobby meetings held by DG Trade since 1 January 2019, in which a coming EU-US trade deal has been discussed. The list should include: date, Commission attendees, the name of the organisation(s) attending, and a more precise topic if that exists”

In your second request, you asked access to the same type of information in relation to “lobby meetings held by the Delegation of the European Union to the United States”.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. However, in order to assist you and given that we don't have such a list as a self-standing document, we have collected the information you have requested in line with the Code of Good Administrative Behaviour, which you can find in the annex to this letter.

Please note that the annex provides an overview of all meetings organised by DG Trade and the Delegation of the EU to the United States. This includes not only meetings with

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2 OJ L267, 20.10.2000, p. 64
individual business associations, but also with several chambers of commerce, government policy advisers, academic think tanks, consumer and labour organisations and universities. I can also inform you that during these meetings the trade talks that are currently on-going between the EU and the US were raised, although that this was not necessarily the main theme of those meetings.

Finally, I should inform you that the requested information on Commission attendees is not part of the Annex, since it allow the identification of natural persons. In your application, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.\(^3\)

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if \("[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests". Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

\[\text{best wishes,}\]

Hiddo HOUBEN

Enclosures: Annex – List of meetings

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\(^3\) The applicable legislation in this field is Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (‘Regulation 2018/1725’).