



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate A – Policy Coordination  
**A4 – Legal issues & enforcement**

Brussels,  
MOVE.A.4/BJ/move.a.4(2020)488507

*By e-mail:*  
marie.toussaint@europarl.europa.eu

**Subject: Your application for access to documents – Ref GestDem No 2020/2489**

Dear Ms Toussaint,

We refer to your request dated 27/04/2020 in which you make a request for access to documents, registered on 29/04/2020 under the above-mentioned reference number.

This reply concerns the part of your application, in which you request access to: *“documents which contain the following information: any correspondence, emails and web-meetings between the Commissioners and their cabinets and the lobbies regarding the Recovery plan from the EU”*.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to the Secretariat-General, Directorate-General for Climate Action, Directorate-General for Environment, Directorate-General for Transport and Mobility, Directorate-General for Maritime Affairs and Fisheries, Directorate-General for Agriculture and Rural Development, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Directorate-General for Competition, Directorate-General for Trade and Directorate-General for Justice and Consumers.

We would like to draw your attention that this reply relates only to the documents held by the Directorate-General for Transport and Mobility (DG MOVE). In particular, our services treated only correspondence addressed to Transport Commissioner as to first addressee.

In our holding reply, dated 26/06/2020, we explained that due to a very large amount of documents corresponding to your request that has to be assessed in the framework of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> (hereinafter ‘Regulation (EC) No 1049/2001’), the handling of your request will be delayed.

Please note that all requested documents corresponding to your request originates from third parties. Accordingly, with a view to handle your request, DG MOVE services had to consult the third parties concerned to assess the disclosure of the documents as established in Article 4(4) of the Regulation (EC) No 1049/2001.

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<sup>1</sup> 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, OJ L 145, 31.05.2001, p. 43.

Please find enclosed the documents requested that have been identified as corresponding to your request.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001, we have come to the conclusion that they may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) 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<sup>2</sup> ('Regulation 2018/1725').

Some parts of the documents to which you request access contain personal data, in particular names, contact details (email, telephone number), online identifier/initials pertaining to the Commission staff members or individuals, handwritten signatures and official seals.

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.

In your request, 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.

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.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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 (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

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<sup>2</sup> Regulation (EU) 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, OC L 205 of 21.11.2018, p. 39.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission, Secretariat-General  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

*/e-signed/*  
Barbara Jankovec  
Head of Unit

Enclosed:

15 annexes, documents corresponding to the application for access to documents Gestdem 2020/2489

