



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

The Director General

Brussels, 20 October 2020  
GROW.01/LB

Ms Myriam Douo  
Rue d'Edimbourg 26,  
1050 Brussels  
Belgium

By email to:  
ask+request-8361-9bac41f0@asktheeu.org

**Subject: Your application for access to documents – GESTDEM 2020/4293**

Dear Ms Douo,

We refer to your e-mail of 14 July 2020 in which you make a request for access to documents, registered on 15 July 2020 under the above-mentioned reference number.

### **1. Scope of your request**

In your request, you ask, on the basis of Regulation (EC) No 1049/2001<sup>1</sup> to all documents related to a series of listed meetings by dates that Commissioner Breton and members of his Cabinet have held with interested representatives since 01 March 2020.

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 other Directorates-General. This reply relates only to the documents held by the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. You received/will receive the replies from the other respective Directorates-General in due course.

Please note that the documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

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<sup>1</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Please also note that the reports were drawn up for internal use under the responsibility of the relevant directorate in the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

## **2. Identification and assessment of the concerned documents**

We have identified 35 documents that fall within the scope of your request.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001, I 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 exceptions to the right of access laid down in Article 4 of the Regulation. Those exceptions concern: Article 4(1)(b) - protection of privacy and the integrity of the individual, Article 4(2) first indent - protection of the commercial interests of a legal person. Parts of documents 10, 15 and 21 have also been blanked as they are considered as out of scope elements.

## **3. Reasons for partial access**

### **- Protection of personal data**

*Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data -Article 4(1)(b) of Regulation (EC) No 1049/2001*

A complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person such as office and phone numbers.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents mentioned above, 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.

Therefore, partial access is granted to the requested documents, expunged of personal data.

**- Protection of the commercial interests**

In addition, documents 1 and 22 contain commercially sensitive business information of the companies involved. Disclosure of parts of these documents would undermine the protection of the commercial interests of the companies, as putting this information in the public domain would affect their competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

**4. Means of redress**

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled 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 Secretariat-General of the Commission at the following address:

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

Yours sincerely,

(e-signed)

Kerstin JORNA