



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR DEFENCE INDUSTRY AND SPACE

The Director-General

Brussels

09/09/2020

[defis.01\(2020\)5414762](#)

Mrs Roxburgh Venetia
40 Bermondsey Street, London

Advanced Copy by email:
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db325a86@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2020/4657

Dear Mrs ROXBURGH,

We refer to your request for access to documents sent via the AsktheEU.org website on 31 July 2020, in which you submitted an application for access to documents within the framework of Regulation (EC) No 1049/2001.¹

You requested access to all documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting between Timo Pesonen, Director General of Defence Industry and Space, and Safran on 6th May 2020.

We have identified the following documents as falling within the scope of your request:

- **Briefing note DEFIS/73 - Meeting between Timo Pesonen and SAFRAN - 6 May 2020;**
- **Minutes - Teleconference with Safran - 6 may 2020 (Ares(2020)4719296).**

¹ 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, 31.5.2001, p. 43).

Please see below our analysis on the requested documents:

Partial access

Having examined the document referred to above under the provisions of Regulation (EC) No 1049/20012 regarding public access to documents, we have come to the conclusion that the document may be partially disclosed. Some information has been withheld, as it concerns commercially sensitive information or constitutes personal data. Please find attached the relevant documents, expunged from information of commercial nature and from personal data.

Protection of commercial interests of a natural or legal person, including intellectual property

Article 4(2), first indent, of Regulation (EC) 1049/2001 provides that "*[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure*".

The document requested contains information the disclosure of which could have negative impact on the commercial interests of the entity and could prejudice, as a result, the business reputation.

In this sense, the public disclosure of this information could undermine the commercial interests of the participants within the meaning of Article 4(2), first indent, of Regulation (EC) No 1049/2001.

Pursuant to article 4(2) of Regulation (EC) No 1049/2001, the exception to the right of access must be waived if there is an overriding public interest permitting the disclosure of the requested documents. In order for such an overriding public interest to exist, this interest, firstly, has to be public and, secondly, overriding, i.e. in this case it must outweigh the interest protected under article 4(2), first indent. We consider that in the present case there are no elements capable of showing the existence of an overriding public interest in disclosure of the refused documents that would outweigh the public interest in the protection of the commercial interests.

Protection of privacy and the integrity of the individual

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where 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 data³.

The requested document contain personal data such as names, functions, pictures and contacts of Commission's officials not having the function of senior management staff and of third parties identified in the documents. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

³ 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 ('Regulation 2018/1725').

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'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. 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, personal data have been withheld from the requested documents.

Disclaimer and re-use of documents

You may reuse the disclosed document 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 document. Please note that the Commission does not assume liability stemming from the reuse.

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 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to defis-access-documents@ec.europa.eu.

Yours sincerely,

Timo PESONEN

Enclosure: requested documents expunged from information protected under Regulation 1049/2001.