



EUROPEAN COMMISSION
DIRECTORATE-GENERAL DEFENCE INDUSTRY AND SPACE

Coordination and Interinstitutional Relations

Brussels
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Subject: Your application for access to documents – GESTDEM 2021/2014

Dear VERHEECKE Lora,

We refer to your application for access to documents in object submitted within the framework of Regulation (EC) No 1049/2001.¹

1. SCOPE OF YOUR APPLICATION

In your application GESTDEM 2021/2014, registered 31/03/2021, 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 Joan Canton and Air France KLM on 25th February 2021.**

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

- (1) Meeting with Air France KLM 25/02/2021 (ref. Meeting with Air France KLM_Redacted) Ares(2021)1541619 (Document 1);
- (2) Email related to the meeting with Air France KLM 25/02/2021 (ref. email (1)_Redacted) Ares(2021)1541619 (Document 2);
- (3) Email on Air France-KLM position papers on the European Green Deal and RefuelEU 09/03/2021 (ref. email (3)_Redacted) Ares(2021)1734951 (Document 3);
- (4) Air France-KLM key messages on the European Green Deal 09/03/2021 Ares(2021)1734951 (Document 4);
- (5) Sustainable Aviation Fuels (SAF) Key messages – ReFuelEU Aviation 09/03/2021 Ares(2021)1734951 (Document 5);

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).

- (6) Email on Pacte vert européen - priorités du Groupe Air France-KLM 03/03/2021 (ref. RE_ Pacte vert européen - priorités du Groupe Air France-KLM Ares(2021)2205409_Redacted) Ares(2021)2205409 (Document 6) ;
- (7) Air France-KLM key messages on the European Green Deal 26/03/2021 Ares(2021)2205409 (Document 7).

After having consulted Air France KLM regarding the documents and information originating from them in accordance with Articles 4(4) and 4(5) of Regulation 1049/2001, DG DEFIS:

- gives partial access to Documents 1, 2, 3, 6 only subject to the redaction of personal data on the basis of Article 4(1)(b) (protection of the privacy and the integrity of the individual);
- Gives full access to Documents 4, 5, 7.

Please see below our analysis on the requested documents.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

2.1. 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 data².

The requested Documents 1, 2, 3 and 6 contain personal data such as names, functions 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.

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.

² 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').

Therefore, personal data have been redacted in the requested documents.

3. DISCLAIMER AND RE-USE OF DOCUMENTS

Please note that 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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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 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 faithfully,

Electronically signed
Giancarlo Granero
Head of Unit

Enclosure: requested Documents 1, 2, 3, 4, 5, 6 and 7 expunged from data according to the Regulation 1049/2001.