



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels,
CNECT/RV

Ms Lora Verheecke
Rue du Bronze 9
1070 Brussels
BELGIUM

Advance copy by e-mail:

ask+request-9298-8ffb5386@asktheeu.org

By registered letter with acknowledgement of receipt

Subject: Your application for access to documents – GestDem 2021/2170

Dear Ms Verheecke,

We refer to your request for public access to documents pursuant to 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 documents¹ (hereinafter 'Regulation 1049/2001'), dated 31 March 2021 respectively, and registered on the before-mentioned dates under the above-mentioned reference number.

We also refer to our acknowledgment of receipt emails of 8 April 2021, our reference Ares(2021)2424391, and to our holding reply of 3 May 2021, Ares(2020)2925658.

We apologise for the delay occurred in the handling of this application.

I. SCOPE OF YOUR APPLICATION

You have been requesting the following:

'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 Filomena Chirico and Médiamétrie on 19th January'.

¹ Official Journal OJ L 145, 31.5.2001, p. 43.

II. DOCUMENT(S) FALLING WITHIN THE SCOPE OF YOUR REQUEST

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

- Ares(2020)6304224 – email 07112020 – Demande de rendez-vous de la part de Médiamétrie.

III. ASSESSMENT UNDER REGULATION 1049/2001

Having examined the document requested under the provisions of Regulation 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of Regulation 1049/2001.

Article 4(2), first indent of Regulation 1049/2001 provides that the Commission '*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 identified document originates from a third party and refers to the activities and business information of third parties. Within the statutory time-limit we could not obtain the views of the originator of this document about a potential disclosure. After assessment, we have arrived at the conclusion that a disclosure of this document could adversely affect the commercial interests of the concerned third party.

We therefore conclude that access to the requested document has to be refused, based on the exception relating to the protection of commercial interests as laid down in Article 4(2), first indent of Regulation 1049/2001.

The exception of Article 4(2) of Regulation 1049/2001 referred to above applies, unless there is an overriding public interest in disclosure of the documents in question. Such an interest must be public and outweigh the harm caused by disclosure.

We have examined whether there could be an overriding public interest in disclosure, but that we have not been able to identify any such interest.

We have considered whether partial access could be granted to the identified document. However, the remaining parts after expunging the confidential information would be meaningless.

IV. POSSIBILITY OF A CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Unit 'Transparency, Document Management & Access to Documents' (SG.C.1)
BERL 5/282
1049 Brussels
BELGIUM,

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

Yours sincerely,

Electronically signed

Roberto Viola