



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION

The Director-General

Brussels,
TAXUD/GT/Svdv –
taxud.e.2(2021)3720328

Mr Will Aitchison
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(by e-mail only)

Dear Mr Aitchison,

Subject: Your application for access to documents – Ref GestDem No 2021/2910

We refer to your application dated 4 May 2021 in which you make a request for access to: “*All documentation, including but not limited to attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the meeting between BusinessEurope and Gerassimos Thomas, Director General, on 29/01/2021 regarding CBAM*”, registered under the above mentioned reference number.

Following your request we have identified three documents that you will find enclosed herewith:

“1. *E-mail correspondence on meeting request between BusinessEurope and Mr Gerassimos Thomas [Ares(2021)392628];*
2. *Briefing DG294 - meeting between BusinessEurope and Mr Gerassimos Thomas;*
3. *Meeting report between BusinessEurope and Mr Gerassimos Thomas – 29 January 2021 – [Ares(2021)3113096]*”.

Having examined the document requested under Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to inform you that the document can be partially disclosed. The parts of the documents which relate to other customs and tax topics and are not within the scope of your request (namely *regarding CBAM*) have been redacted.

The documents to which you have requested access contain personal data (names of officials, names of representatives of BusinessEurope, office data, phone numbers, CV's).

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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/1725¹. 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 the 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’.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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
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

¹ Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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, Official Journal L 205 of 21.11.2018, p. 39.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and 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.

Yours sincerely,

Yours faithfully,

(e-signed)

Gerassimos THOMAS

Annexes: as stated above