



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

The Director-General

Brussels
JUST.DDG.E.3/BW

Ms Nienke Palstra

Global Witness

Rue Belliard 53

1000 Bruxelles / Belgique

By email: ask+request-11711-997b1cc2@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/4574

Dear Ms Palstra,

We refer to your e-mail of 11 August 2022 in which you make a request for access to documents, registered on 12 August 2022 under the above-mentioned reference number.

You request access to all documents - including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations - related to the meeting on 2022-05-25 between Geneviève Tuts and Amazon Europe Core SARL.

Your application concerns the following documents:

- Briefing for the Head of Cabinet Ms. Tuts for the virtual meeting with Amazon representatives on 25 May 2022; please note that this document mentions 4 May 2022 as date of the meeting as this meeting was postponed.
- Flash report from the meeting between Head of Cabinet Ms. Tuts with Amazon representatives of 25 May 2022 (Ares(2022)4133337).

With regard to the two documents listed above, a complete disclosure 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 (i.e. job titles, email addresses, phone numbers, or CVs that would allow the identification of natural persons).

Article 9(1)(b) of the Data Protection Regulation¹ 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, I 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, 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.

Furthermore, some parts of the documents have been redacted as their disclosure is prevented by the exception to the right of access laid down in Article 4(3) of Regulation (EC) No 1049/2001, given that it relates to an ongoing policy discussion. These parts outline preliminary and confidential positions linked to the process of discussing the future of the Product Safety Pledge and internal ongoing work on the evaluation of consumer law directives in accordance with the rules on Better Regulation as well as the proposal for a new General Product Safety Regulation. Disclosure of these parts would seriously undermine the institution's decision-making process linked to these initiatives. We have examined whether there could be an overriding public interest in their disclosure, but such an interest has not been identified.

Other parts of the documents have been redacted as their disclosure is prevented by the exception to the right of access laid down in Article 4(2) of Regulation (EC) No 1049/2001, given that it relates to a coordinated action under Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws. This action is not yet concluded, as competent authorities monitor the implementation of the company's commitments as provided by Article 20 (4) of Regulation (EU) 2017/2394. Furthermore, it should be noted, that the documents mentioned above contain legal advice by the consumer protection cooperation networks, which the competent authorities may use in the context of their investigations and/or enforcement actions, including in front of the competent courts. Disclosure of certain information that is shared among the competent authorities and the Commission, as well as, where appropriate, with third parties concerned by the investigation – including in particular certain information in respect to the legal assessment – could undermine the efficiency of such actions.

¹ 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, OJ L 295, 21.11.2018, p. 39.

The documents listed above were drawn up for internal use under the responsibility of the relevant Commission services. They solely reflect the services' interpretation of the situation and the interventions made and do not set out any official position of the third parties to which the documents refer, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

This reply is sent to you via email only and we would appreciate if you could confirm receipt of the present e-mail by replying to JUST-E3@ec.europa.eu.

Yours faithfully,

Ana GALLEGO