



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs  
**SG.D.1 - Digital Transition, Industry & Single Market**

Brussels  
SG.D.1/ANM

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By e-mail to:

[ask+request-12371-ce13c50d@asktheeu.org](mailto:ask+request-12371-ce13c50d@asktheeu.org)

**Subject: Your application for access to documents (EASE 2022/7440)**

Dear Madam,

We refer to your request registered on 30 December 2022 under the above-mentioned reference number and to our first reply letter dated 14 February 2023, registered under Ares(2023)1082673.

We have already provided you with partial access to the following documents:

1. The official invitation letter, Ares(2022)3662126,  
Registered under Ares(2022)8011225;
2. Update to a briefing request,
3. Briefing on data free flow with trust,
4. Briefing on Industrial policy, single market, single market emergency instrument, raw materials,
5. Steering brief,
6. Table of contents,
7. Update to a briefing request, Ares(2022)8011230,  
Registered under Ares number of the present letter:
8. E-mail exchange between Cabinet Vestager and BusinessEurope of 13 May 2022,
9. E-mail exchange between Cabinet Vestager and BusinessEurope of 20 May 2022.

We have now concluded the assessment of a possibility to disclose one document originating from a third party and of two documents originating from the Commission

services which, however, reproduce parts of the document originating from the third party.

As regards the document originating from the third party registered under Ares(2022)8011225, we have consulted the third party on the basis of Article 4(4) of Regulation 1049/2001 and the author of the document has objected to disclosure of the document and has motivated his position with reference to Regulation (EC) 2016/679 (GDPR), which in his view does not allow to disclose to the public a list of preliminary questions with the mention of the participants' identity of non public/internal meetings without their prior individual consent. Disclosure of such a list would constitute, in his view, a violation of privacy rights under GDPR and by consequence undermine the protection of a specific interest as laid down in Article 4 of Regulation (EC) No 1049/2001. This document is therefore not disclosed.

With regard to the Commission's own documents (registered under Ares(2022)8011225 and Ares(2022)8011230) linked to the above document originating from the third party, we consider that they may be disclosed with the redactions removing the parts which are reproduced from the document originating from the third party and with redactions on the ground of protecting the privacy and integrity of the individual.

***Redactions on the ground of protecting the privacy and integrity of the individual (Article 4(1)(b) of Regulation (EC) No 1049/2001 )***

Full 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 the documents contain personal data. Article 9(1)(b) of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies 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 show that you need have the data transmitted for a specific purpose in the public interest. Consequently, 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 to that personal data 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.

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 its 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 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Electronically signed

Elisa ROLLER  
Director

Annexes: Partially disclosed documents: Questions and answers registered under Ares(2022)8011225 and Ares(2022)8011230.