



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Resources and Communication  
Acting Director

**19 MARS 2015**

Brussels,  
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***By registered letter with acknowledgment of receipt***

Martin Pigeon  
Researcher and Campaigner  
Corporate Europe Observatory  
26 rue d'Edimbourg  
1050 Bruxelles

***Advance copy by email : ask+request-1666-63e493f8@asktheeu.org***

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2015/5161 2nd batch**

We refer to your e-mail dated 17/12/2014 in which you make a request for access to documents, registered on 19/12/2015 under the above mentioned reference number.

**Your application concerns the following documents:** the correspondence (in all forms) as well as meeting minutes (including summaries) on the subject of Trade Secrets and Confidential Business Information (in particular the preparation of the European Commission's draft Directive on the protection of trade secrets) for the period between January 2010 and December 1st 2013 between DG Internal Market's services, as well as Commissioner Barnier and his cabinet, and the following organisations:

- White & Case LLP
- Hogan Lovells
- Baker & McKenzie
- the Trade Secrets and Innovation Coalition (TSIC) and its members (Alstom, CEFIC, DuPont de Nemours, Michelin, Nestlé, Procter & Gamble and Solvay)
- Hill & Knowlton
- IFRA (International Fragrance Association)
- EFPIA (European Federation of Pharmaceutical Industries and Associations)
- ECPA (European Crop Protection Association)
- Business Europe
- AFEP
- MEDEF

On 10/02/2015 you already received a first reply concerning the first batch of documents, i.e. the correspondence and meeting reports between DG Internal Market and Services of the European Commission, on the one hand, and some of the organizations you mentioned in your request, on the other hand.

### **Second batch of documents**

This reply concerns the second batch of documents. It relates to correspondence and meeting reports between Commissioner Barnier and his cabinet, on the one hand, and some of the organizations you mentioned in your request, on the other hand. The list of documents identified is attached (see Excel list).

Some of the documents to which you have requested access contain personal data, in particular: mobile telephone numbers.

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 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

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

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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 asking the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days from receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles

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

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

However, please note that some documents were received by the Commission from third parties. These documents are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. These documents do not necessarily reflect the position of the Commission and cannot be quoted as such.

### **The rest of the documents**

We are still processing your request as regards the rest of the documents, i.e. the correspondence and meeting reports between DG Internal Market and Services of the European Commission, on the one hand, and Hogan Lovells and Baker and McKenzie, on the other hand, as regards the implementation of the contracts that the Commission signed with those organisations for carrying out the studies (the final versions of these studies are publicly disclosed).

Yours faithfully,

A handwritten signature in black ink, appearing to be 'L. Prats', with a stylized flourish at the end.

Lluís Prats

Enclosures:

- List of documents – PIGEON – GESTDEM 2014 6151
- Documents