



**EUROPEAN COMMISSION**

Directorate-General for Trade

Directorate A - Resources, Information and Policy Coordination  
**Information, Communication and Civil Society**

Brussels,  
trade.a.3.dir(2017)3252898

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

Ms Pia Eberhardt  
Corporate Europe Observatory (CEO)  
Cranachstraße 48  
50733 Cologne  
Germany

***By email:*** [ask+request-2287-  
xxxxxxxx@xxxxxxxx.xxx](mailto:ask+request-2287-xxxxxxxx@xxxxxxxx.xxx)

**Subject: Your application for access to documents – Ref. GestDem N° 2015/5085**

Dear Ms Eberhardt,

I refer to your request for access to documents dated 19 September 2015, under Regulation (EC) No 1049/2001 ("Regulation 1049/2001"),<sup>1</sup> registered under the above mentioned reference number.

You requested to receive lists and reports of meetings with external stakeholders related to the Transatlantic Trade and Investment Partnership (TTIP). We have sent you the list of meetings on 11 February 2016 and five batches of documents since then.

This reply concerns the sixth batch of documents under your request 2015/5085, listing 30 mission reports. You will find a list of these documents in Annex I and the documents themselves in the pdf-file attached.

I am glad to inform you that access can be granted to the content of these documents. However, some personal data, like names of the Commission officials below director level

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

and participants to the meetings that are not in public offices, have been withheld in accordance with Article 4.1(b) of Regulation 1049/2001.

Article 4.1(b) of Regulation 1049/2001 provides that “[t]he institutions shall refuse access to a document where 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>2</sup>.

The Court of Justice has ruled that “where an application based on Regulation 1049/2001 seeks to obtain access to documents containing personal data” “the provisions of Regulation 45/2001, of which Articles 8(b) and 18 constitute essential provisions, become applicable in their entirety”<sup>3</sup>.

Article 2(a) of Regulation 45/2001 provides that “‘personal data’ shall mean any information relating to an identified or identifiable natural person [...]”. The Court of Justice has confirmed that “there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of ‘private life’”<sup>4</sup> and that “surnames and forenames may be regarded as personal data”<sup>5</sup>, including names of the staff of the institutions<sup>6</sup>.

In accordance with Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish “the necessity of having the data transferred” and additionally “if there is no reason to assume that the legitimate interests of the data subjects might be prejudiced”. The Court of Justice has clarified that “it is for the person applying for access to establish the necessity of transferring that data”<sup>7</sup>.

I consider that you have not established the necessity of having the aforementioned personal data transferred to you. Moreover, it cannot be assumed on the basis of the information available, that disclosure of such personal data would not prejudice the legitimate interests of

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<sup>2</sup> 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 the free movement of such data, OJ L 8, 12.1.2001, p. 1.

<sup>3</sup> Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 101; see also judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraphs 63 and 64.

<sup>4</sup> Judgment in *Rechnungshof v Rundfunk and Others*, Joined cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.

<sup>5</sup> Judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraph 68.

<sup>6</sup> Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 111.

<sup>7</sup> *Id.*, paragraph 107; see also judgment in *C-28/08 P Commission v Bavarian Lager*, EU:C:2010:378, paragraph 77.

the persons concerned. Therefore, these personal data shall remain undisclosed in order to ensure the protection of the privacy and integrity of the individuals concerned.

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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  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Brussels

Or by email to: [xxxxxxxxxx@xx.xxxxxx.xx](mailto:xxxxxxxxxx@xx.xxxxxx.xx)

Yours sincerely,

*[e-signed]*

Lutz Güllner  
Head of Unit

Annex I – List of documents disclosed, including justification under Regulation 1049/2001;  
Annex II – Documents disclosed