



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

Director-General

Brussels,  
GROW C4/SPR/cds(2020)

Ms Lora Verheecke  
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*By email only:*

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**Subject: Request for access to documents – GestDem No. 2020/7150**

Dear Ms Verheecke,

Thank you for your e-mail of 20 November 2020, registered at the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission on 23 November 2020, and requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

### **1. SCOPE OF YOUR REQUEST**

Your e-mail requested access to documents as follows:

*“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting between Thierry Breton and ACEA and CLEPA on 13th May 2020.”*

### **2. DESCRIPTION OF DOCUMENTS IDENTIFIED**

We have identified two documents that match the scope of your request. They are the following:

Document 1: Ares(2020)3732250 - Briefing for the meeting

Document 2: Ares(2020)3317578 - Operational conclusions of the meeting

### **3. PARTIAL DISCLOSURE OF TWO DOCUMENTS**

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed.

Document 1 contains descriptions of preliminary views and policy options under consideration and not finalized. Regulation (EC) No 1049/2001, Article 4(3) first subparagraph: *Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.* Disclosure of parts of this document would seriously undermine the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4(3) first subparagraph of applies to parts of this document.

Documents 2 contains commercially sensitive business information of the companies involved. Regulation (EC) No 1049/2001, Article 4(2) first indent: *The institutions shall refuse access to a document where disclosure would undermine the protection of: - commercial interests of a natural or legal person, including intellectual property.* Disclosure of parts of this document would undermine the protection of the commercial interests of the companies, as putting this information in the public domain would affect their competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent applies to parts of this document.

The two documents originate from the European Commission. You may reuse the documents 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

#### **4. PROTECTION OF PERSONAL DATA**

Some parts of the documents have been blanked out as their disclosure is prevented by exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001.

The documents 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;

Article 9(1)(b) of the Data Protection Regulation<sup>1</sup> 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

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<sup>1</sup> 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.

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.

## **5. MEANS OF REDRESS**

In accordance with Article 7(2) of Regulation 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 Bruxelles,  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*(e-signed)*  
Kerstin Jorna  
Director-General

Annexes: 2 documents