



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

The Director-General

Brussels  
MOVE/HH

Ms Paula Castro  
40 Bermondsey Street  
London SE1 3UD  
United Kingdom

**Sent by e-mail with request  
for acknowledgement of receipt:**  
ask+request-9220-b7379ac1@asktheeu.org

Dear Madam,

**Subject: Your application for access to documents – GESTDEM 2021/1757**

I refer to your e-mail of 19 March 2021 in which you make a request for access to documents, registered on 23 March 2021 under the above-mentioned reference number.

You request access to the following:

*“All documentation, including but not limited to, attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings of Commissioner Adina-Ioana Vălean or and DG Mobility and Transport staff with multiple organisations.*

- 1. Meeting with European Community Shipowner's Associations (ECSA) on the 10/03/2021 on Meeting with ECSA board to discuss the latest maritime developments.*
- 2. Meeting with Wizz Air Group (Wizz Air) on the 22/02/2021 on Introductory meeting where the impact of Covid on aviation was discussed.*
- 3. Meeting with Airports Council International - European Region (ACI EUROPE) on the 27/01/2021 on Participation to ACI Management board”.*

Having examined your request, please find enclosed the following documents in the possession of the Directorate-General for Mobility and Transport that we have identified as corresponding to your request:

- Meeting of Commissioner Valean with the European Community Shipowners' Associations (ECSA) on 10 March 2021:

- ECSA request to schedule a meeting with Commissioner Valeăn, as well as the subsequent e-mail exchange with the scheduling details;
  - Meeting agenda;
  - E-mail exchange from March and February 2021;
  - E-mail from ECSA concerning organisational details of the meeting; and
  - Report of the meeting between the Commissioner and ECSA, 10 March 2021.
- Meeting of Commissioner Valeăn with Wizz Air on 22 February 2021:
    - Wizz Air introduction (presentation) and
    - Report of the meeting between the Commissioner and Wizz Air, 22 February 2021.
  - Meeting of Commissioner Valeăn with Airports Council International – European Region (ACI Europe) on 27 January 2021:
    - E-mail exchange including the meeting draft agenda;
    - ACI participants list (board members) and
    - Report of the meeting between the Commissioner and ACI Europe, 27 January 2021.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> (hereinafter ‘Regulation (EC) No 1049/2001’), we have come to the conclusion that the agenda of the meeting between Commissioner Valeăn and the ECSA of 10 March 2021 and the report of the meeting between the Commissioner and ACI Europe of 27 January 2021 may be disclosed. Please find enclosed copies of the documents requested.

As for the rest of the documents, we have come to the conclusion that they may be partially disclosed. Some parts of the documents have been redacted, as their disclosure is prevented by the exceptions to the right of access laid down in Articles 4(1)(b) and 4(2) of this Regulation.

With regard to the documents concerning the meetings of Commissioner Valeăn with the ECSA on 10 March 2021 and with ACI Europe on 27 January 2021, listed above, a complete disclosure of the identified documents 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, in particular references to functions of natural persons, to the extent that these would enable their identification).

Specifically regarding the participants list in the meeting with ACI Europe on 27 January 2021, the disclosure of the entire content of this document is prevented by the abovementioned exception on the protection of privacy and the integrity of the individual, as that document only contains personal data (the names and functions of natural persons, to the extent that these would enable their identification).

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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is 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

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC<sup>2</sup> ('the Data Protection Regulation').

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA) are regulated under Chapter V of the Data Protection Regulation.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out. Based on the information available, it is not established that these conditions are fulfilled.

Moreover, pursuant to Article 9(1)(b) of the Data Protection Regulation, 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if '[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'.

Only if these conditions were fulfilled and the processing constituted lawful processing in accordance with the requirements of Article 5 of the Data Protection Regulation, could the transmission of personal data occur.

According to Article 9(1)(b) of the Data Protection Regulation, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

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. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

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.

With regard to the documents concerning the meeting of Commissioner Valean with Wizz Air on 22 February 2021, also listed above, we have come to the conclusion that these documents may also be

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<sup>2</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 205 of 21.11.2018, p. 39.

partially disclosed. 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(2), first indent of this Regulation.

Pursuant to Article 4(2), first indent of the Regulation, access to a document has to be refused if its disclosure would undermine the protection of “*commercial interests of a natural or legal person, including intellectual property*”. Wizz Air has been consulted on the possibility of disclosure of these documents. On the basis of the Commission’s own assessment and of the consultation carried out, the redacted parts of these documents have been identified as containing commercially sensitive business information of the concerned company. On the one hand, the Wizz Air presentation contains confidential information on a business plan of the company to be carried out over the next few years, which is part of a wider business strategy, and which, if made public, could undermine the successful completion of such strategy. On the other hand, the report of the meeting includes information on the liquidity position of Wizz Air, an information that, in general terms, could have an impact on the company’s position in the market.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in the disclosure of the documents. In the case at hand, there is no reason to assume that there is an overriding public interest to fully disclose the concerned documents.

Consequently, I conclude that, pursuant to Article 4(2), first indent of Regulation (EC) No 1049/2001, full access cannot be granted to these documents as well, as doing so would harm the business interests and commercial expectations of the concerned company.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Regarding the meeting reports listed above and disclosed as part of your request, these documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Mobility and Transport. They solely reflect the services’ interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. They do not reflect the official position of the Services of the Commission nor that 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 (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)

Finally, I kindly ask you to confirm receipt of this email.

Yours faithfully,

Henrik HOLOLEI  
(e-signed)