



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs  
**The Director**

Brussels  
SG.D.1/HZ

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**By email:** [ask+request-10772-715aa77f@asktheeu.org](mailto:ask+request-10772-715aa77f@asktheeu.org)

**Subject: Your application for access to documents – GESTDEM 2022/1247**

Dear Madam,

We refer to your e-mail dated 28 February 2022 in which you request access to the following documents:

*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 Alejandro Cainzos and ECFR on 16th December 2021.*

Please find below the list of documents that fall under your access to documents request:

1. Ares(2022)1270276 - Email exchange between Cabinet Vestager and ECFR between 7 and 15 December 2021 (document 1)
2. Ares(2021)7734900 – Attached “draft paper structure” from the ECFR (document 2)
3. Ares(2022)629274 – Minutes meeting between Cabinet Vestager and ECFR from 16 December 2021 (document 3)

**Partial disclosure of documents 1 and 3**

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 documents 1 and 3 may be partially disclosed.

Full disclosure of the documents 1 and 3 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. The documents contain the following personal data, which have been redacted:

- the names and contact information of Commission staff members not pertaining to the senior management or Cabinets; or
- the names and contact details of other natural persons.

Article 9(1)(b) of the 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 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 argue to have the data transmitted for a specific purpose in the public interest.

Furthermore, please note that document 3 was drawn up for internal use under the responsibility of the relevant author. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It also does not reflect the position of the Commission and cannot be quoted as such.

## **Non-disclosure of document 2**

Since document 2 originates from a third party, namely the ECFR, we have consulted the originator in the context of this access to documents request.

Following an examination of document 2 under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the ECFR, I regret to inform you that your application cannot be granted, as disclosure is prevented by the exception to the right of access laid down in the first indent of Article 4(2) of this Regulation concerning commercial interests.

The document 2 which you seek to obtain is entitled “draft paper structure” and covers the draft structure and concept of a planned paper on the EU’s external digital policy strategy. It was shared during the research and drafting process and its early publication would undermine the commercial interests of the originator.

The leader of the concerned research project and co-author of document 2 has also objected to the disclosure of the document. They state that the document contains “the preliminary results of extensive research work, interviews and original policy ideas”. The ECFR is planning to publish a final version of this paper on their website once ready. Early disclosure would affect the commercial interests of the company, as “early publication would give a competitive advantage to other think tanks or authors working in the field”.

Partial access to document 2 is not possible, as the whole content of the paper is concerned by the arguments above. The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document/documents. In this case, especially as the final version of the paper will be made public, no overriding public interest exists.

## Conclusion

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 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  
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

Enclosure: Disclosed documents