



EUROPEAN COMMISSION

Brussels,

Mr Matteo CIVILLINI
C/o Sala stampa nazionale
Milano
Via Cordusio, 4
20123 Milan
ITALY

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2022/1434**

Dear Mr Civillini,

We refer to your e-mail dated 06/04/2022, registered on 07/04/2022, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter ‘Regulation (EC) No 1049/2001’).

Please accept our apologies for the delay in the handling of your request.

Scope of your request

Through your initial application of 10/03/2022, attributed to the Secretariat-General, you requested access to:

*“ For the period between 1 January 2022 to date:
- a list of all lobby and industry meetings and/or calls and/or interactions of
any kind held by the Secretariat General, including any Cabinet Members
and/or officials, during which “sanctions” and/or “Russia” and/or “Russian”
were discussed.*

¹ OJ L 345, 29.12.2001, p. 94.

² OJ L 145, 31.5.2001, p. 43.

The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;

- all minutes and other reports of these meetings and/or calls;*
- all documents prepared for the purpose of the meetings and/or exchanged during the course of the meetings.*
- all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Secretariat, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “sanctions” and/or “Russia” and/or “Russian”.*

By letter of 25/03/2022, the Secretariat-General informed you that the access to the documents requested could not be granted, as disclosure is prevented by the exceptions to the right of access laid down in the second and third indents of Article 4(1)(a) of this regulation which provide for the protection of respectively: the public interest as regards defence and military matters, and international relations.

In your confirmatory request, you ask for a review of the initial reply and you mention a number of arguments in support of your position. In particular, you argue that *“there is an overriding public interest in knowing how lobby and industry groups may have informed and/or influenced decision-making on an important matter of public interest”* and that the *“refusal to grant (the) application is based on a blanket ban on disclosure without assessing the merit of each relevant document”*.

1. Assessment and Conclusions under Regulation (EC) No 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a review of the reply given at the initial stage.

Through your confirmatory application, you request a review of the refusal to disclose the documents identified under your application and you put forward a series of arguments in support of your request. These arguments have been taken into account in the Secretariat-General's assessment, the results of which are detailed below.

Following this review, the documents falling into the scope of your request have been identified as follows:

Document 1. CEPS open letter responding to Putin's invasion of Ukraine, Ares(2022)1779830 dated 10/03/2022. Public under <https://www.ceps.eu/ceps-news/open-letter-responding-to-putins-invasion-of-ukraine/>

Document 2: CEPS open letter responding to Putin's invasion of Ukraine, transmission mail of document 1. Ares(2022)1779830 dated 10/03/2022.

Document 3 : Business Europe's message to informal meeting of Heads of State and Government in Versailles on 10-11 March 2022. Ares (2022)1786623 dated 10/03/2022. Public under <https://www.lpk.lt/wp-content/uploads/2022/03/2022-03-09->

[BusinessEuropes-message-to-informal-meeting-of-Heads-of-State-and-Government-in-Versailles.pdf](#)

Document 4: Business Europe's message to informal meeting of Heads of State and Government in Versailles on 10-11 March 2022, transmission mail of document 3, Ares(2022)1786623 dated 10/03/2022.

Document 5: Business Europe's message to the meeting of the European Council on 24-25/03/2022, Ares(2022)2087441 dated 22/03/2022. Public under https://www.businesseurope.eu/sites/buseur/files/media/public_letters/dirgen/2022-03-22_message_to_spring_council_24-25_march_2022.pdf

Document 6: EaP CSF Statement, Ares(2022)1442202 dated 25/02/2022. Public under <https://eap-csf.eu/wp-content/uploads/EaP-CSF-Steering-Committee-Statement-on-the-invasion-of-Ukraine-by-Russian-military-forces.pdf>

Document 7: EaP CSF Statement , transmission mail of document 6, Ares(2022)1442202 dated 25/02/2022

Document 8. Statement #StandWithUkraine by International Coalition for Democratic Renewal, Ares(2022)1998715 dated 18/03/2022. Public under <https://www.forum2000.cz/en/international-coalition-for-democratic-renewal-2014-let-s-all-unite-under-the-bl>

Document 9: Statement #StandWithUkraine by International Coalition for Democratic Renewal, transmission mail of document 8, Ares(2022)1998715 dated 18/03/2022.

Document 10: Open letter from International Partnership for Human Rights (IPHR) urging the EU leaders to impose sanctions, Ares(2022)2167049 dated 24/03/2022. Public under <https://www.iphronline.org/open-letter-eu-energy-sanctions-russia.html>

Document 11. Open letter from International Partnership for Human Rights (IPHR) urging the EU leaders to impose sanctions, transmission mail of document 10, Ares(2022)2167049 dated 24/03/2022.

Document 12: Business Europe message to the meeting of the European Council on 24-25/03/2022 Business Europe business barometer 2022, Ares(2024)2087441 dated 22/03/2022. Public under <https://www.businesseurope.eu/publications/businesseurope-reform-barometer-2022-taking-stock-eus-competitiveness-after-2-years>

Document 13: Business Europe message to the meeting of the European Council on 24-25/03/2022 Business Europe business barometer 2022, transmission mail of document 12, Ares(2023)2087441 dated 22/03/2022.

Document 14: EEB letter of 8 March for ENVI Council 17 March 2022, Ares(2022)1777732. Public under <https://eeb.org/wp-content/uploads/2022/03/EEB-letter-of-8-March-for-ENVI-Council-17-March-2022.pdf>

Document 15: EEB letter of 8 March for ENVI Council 17 March 2022, transmission mail of document 14, Ares(2022)1777732.

Document 16: Europêche et ENAFA "Full allocation of EU quota rights for Barents Sea cod", Ares(2022)1904802 dated 15/03/2022.

Document 17: Europêche et ENAFA "Full allocation of EU quota rights for Barents Sea cod", transmission mail of document 16, Ares(2022)1904802 dated 15/03/2022.

Document 18: Letter EPSU (nuclear energy workers including UKR) registered 07/03, Letter re Nuclear Power Plants in Ukraine, Ares(2022)1656044 dated 07/03/2022.

Document 19: Letter EPSU registered 07/03, Letter re Nuclear Power Plants in Ukraine, transmission mail of document 18, Ares(2022)1656044 dated 07/03/2022.

Document 20: Meeting request SWIFT, Ares (2022)1676326 dated 07/03/2022

Document 21: [RE] Meeting request Swift (Answer), Ares(2022)1676326, dated 06/04/2022.

Document 22: EFPIA / Medicines for Europe / EFCG to European Commission, Re: Urgent actions needed to ensure supply of medicines, treatments and vaccines in time of war, Ares(2022)1652185 dated 07/03/2022.

Document 23: EFPIA / Medicines for Europe / EFCG to European Commission, Re: Urgent actions needed to ensure supply of medicines, treatments and vaccines in time of war, transmission mail of document 22, Ares (2022)1652185 dated 07/03/2022.

Document 24 : Letter EBA (European Business Association) Regarding sanctions/restrictions to all Russian-linked maritime business, in particular terminal operators and ports and their shareholders, Ares(2022)1547669 dated 02/03/2022.

Document 25: Letter EBA (European Business Association) Regarding sanctions/restrictions to all Russian-linked maritime business, in particular terminal operators and ports and their shareholders, transmission mail of doc 24, Ares (2022)1547669 dated 02/03/2022.

Document 26: Letter of CEO UC RUSAL, role in the aluminium industry and sanctions, Ares (2022)1417076 dated 24/02/2022.

Document 27: Letter of CEO UC RUSAL, role in the aluminium industry and sanctions, transmission mail of document 26, Ares (2022)1417076 dated 24/02/2022.

Document 28: FoodDrinkEurope offering their perspectives, expertise and support in wake of the war in Ukraine, Ares(2022)1935475 dated 16/03/2022.

Document 29: FoodDrinkEurope offering their perspectives, expertise and support in wake of the war in Ukraine, transmission mail of document 28, Ares(2022)1935475 dated 16/03/2022.

Document 30. Vodafone's response to the Russian war in Ukraine – letter, Ares(2022)1953376 dated 17/03/2022.

Document 31. Vodafone's response to the Russian war in Ukraine, transmission mail of document 28, Ares(2022)1953376 dated 17/03/2022.

Document 32. SGI Europe (Employers entrusted to deliver – Sustainability Growth Innovation), letter to Mr Charles Michel (President von der Leyen in copy), Ares(2022)2059981 dated 21/03/2022. Public under [SGI Europe Contribution to the Versailles Summit](#)

Document 33: SGI Europe, transmission mail of document 32, Ares(2022)2059981, dated 21/03/2022.

Document 34: International Chamber of Commerce, Growing risk of a global food security crisis as a result of the Russia, Ares(2022)2163545 dated 24/03/2022.

Document 35: International Chamber of Commerce, Growing risk of a global food security crisis as a result of the Russia, transmission mail of document 34, Ares(2022)2163545 dated 24/03/2022.

Document 36: PrimeGlobal (international association of accountancy firms), Ares(2022)2377103 dated 30/03/2022. Public under <https://www.primeglobal.net/news/letter-to-president-eu-council>.

Document 37: Letter from Nomad Foods CEO regarding latest proposed Russia sanctions, Ares(2022)2631411 dated 06/04/2022.

Document 38: Letter from Nomad Foods CEO regarding latest proposed Russia sanctions, transmission mail of document 35, Ares(2022)2631411 dated 06/04/2022.

Document 39: Letter from Mastercard on the suspension of operations in Russia, Ares(2022)1903035 dated 15/03/2022.

Document 40: Letter from Mastercard on the suspension of operations in Russia, transmission mail of document 39, Ares(2022)1903035 dated 15/03/2022.

Document 41: Meeting minutes Carlsberg, Ares(2022)3457172 dated 05/05/2022³.

In your confirmatory request, you argue that the “*refusal to grant (the) application is based on a blanket ban on disclosure without assessing the merit of each relevant document*”. I have to confirm that the Secretariat-General made a case-by-case assessment of every single document.

Following the review performed at confirmatory stage, we would like to inform you that:

- As far as your request for a “list of all lobby and industry meetings and/or calls and/or interactions of any kind held by the Secretariat General, including any Cabinet Members and/or officials, during which “sanctions” and/or “Russia” and/or “Russian” were discussed”, we regret to inform you that the Commission does not hold any document that would correspond to the description given in your application. As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such document (i.e. a “list of all lobby and industry meetings”), corresponding to the description given in your application, is held by the Commission, the Commission is not in a position to fulfil your request. We however refer you for further information to the Transparency Register⁴.
- Full access is granted to documents 1, 3, 5, 6, 8, 10, 12, 14, 32 and 36 (public links indicated above)
- Full access is granted to the document 41, with a disclaimer.
- Broad partial access, subject to the exception in Article 4(1)(b) (protection of privacy and the integrity of the individual) is granted to documents 2, 4, 7, 9, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40 and 41.
- Broad partial access, subject to the exception in Article 4 (2) (protection of commercial interests of a natural or legal person, including intellectual property) is granted to document 26.

³ Meetings of Cabinet members of President Ursula von der Leyen with organisations and self-employed individuals, meeting 24/03/2022, See under “export list of all meetings” under following link:
<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do;sessionId=eqpmY8OAzJefQEjbqJTYy77Z02KU8P8QyXWTHt4qXxqJ70-ALByO!268282991?host=acabb6af-0317-4a5a-a788-d0b0218dfecd&d-6679426-p=2>

⁴ See transparency register under https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency/transparency-register_en..

In this context, we would also like to remind you that the documents disclosed under Regulation (EC) No 1049/2001 become available to the public at large ('erga omnes'), not only to the applicant who requested them.

1.1 Disclosure of document 41 with disclaimer

The content of Document 41 is meeting minutes, originating from the Commission. Partial access is granted to this document with the following disclaimer. A limited part of the document is protected under an exception in Article 4(1)(b) (protection of privacy and the integrity of the individual).

Disclaimer

Please be advised that document 41 contains meeting minutes drafted by the European Commission. These minutes reflect solely the views of the Commission at the time of the meeting and do not represent the position of the Carlsberg Group. Additionally, please note that documents provided by the European Commission that may involve third parties are disclosed in accordance with Regulation (EC) No 1049/2001. These documents do not necessarily reflect the official stance of the third parties involved. However, this disclosure should not be taken as a waiver of any intellectual property rights that may limit the reproduction or use of the disclosed documents without the consent of the originator. The European Commission assumes no responsibility for any reuse of these documents.

1.2 Consultation of a third party for document 26 and 27

Documents 26 and 27 originate from company United Company Rusal.

According to Article 4(4) of Regulation (EC) No 1049/2001, as regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed. According to Article 4(5) of Regulation (EC) No 1049/2001, a third party may request the institution not to disclose a document originating from that third party without its prior agreement.

When consulted, the United Company Rusal agreed to the full disclosure of the document 27 subject to the exception in Article 4(1)(b) (protection of privacy and the integrity of the individual), however it objected to the disclosure of parts of the document 26, based on the exception of the first indent of Article 4 (2) of Regulation (EC) No 1049/2001 (protection of commercial interests of a natural or legal person).

The Secretariat-General has carried out an independent assessment of the reply provided by United Company Rusal.

Following the assessment, the Secretariat-General concludes that the arguments of the United Company Rusal justify granting partial access to document 26 based on the first indent of Article 4(2) of Regulation (EC) No 1049/2001 (protection of commercial interests of a natural or legal person).

The reasons are set out below.

The first indent of Article 4(2) of Regulation (EC) No 1049/2001 provides that ‘[t]he 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, [...] unless there is an overriding public interest in disclosure’.

Document 26 contains elements pertaining to sensitive commercial information, including supply chains and market shares, which were shared with the Commission with the expectation that such information would not be publicly divulged. Such information may give valuable insights to competitors and give them unfair competitive advantage, e.g. about commercial established relationships and specific trade flows, in particular in a time of war.

In its judgment in Case T-516/11, the General Court said that ‘in order to apply the exception provided for by the first indent of Article 4(2) of Regulation No 1049/2001, the institution must show that the document requested contain elements which may, as a result of the disclosure, seriously undermine the commercial interests of a legal person’⁵.

In this context we would like to remind you that documents released under Regulation (EC) No 1049/2001 become available to the public at large (*‘erga omnes’*), and not only to the applicant who had requested them.

Therefore, there is a real and non-hypothetical risk that the disclosure of the document 26 would undermine the commercial interests of the associations concerned, contacting the European Commission in the context of the war in Ukraine.

Consequently, the Secretariat-General concludes that access to this document must be partially refused in accordance with the exception laid down in the first indent of Article 4(2) of Regulation (EC) No 1049/2001.

1.3 Protection of privacy and the integrity of the individual

According to Article 4(4) of Regulation (EC) No 1049/2001, as regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed. According to Article 4(5) of Regulation (EC) No 1049/2001, a third party may request the institution not to disclose a document originating from that third party without its prior agreement.

When consulted, the third parties consulted agreed to the full disclosure of the documents for documents 2, 4, 7, 9, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40 subject to the exception in Article 4(1)(b) (protection of privacy and the integrity of the individual).

⁵ Judgment of the General Court of 9 September 2014, *MasterCard, Inc. and Others v European Commission* (hereafter referred to as *‘MasterCard, Inc. and Others v European Commission’*), T-516/11, EU:T:2014:759, paragraph 82.

Article 4(1)(b) of Regulation (EC) No 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’.

In its judgment in Case C-28/08 P (*Bavarian Lager*)⁶, the Court of Justice ruled that when a request is made for access to documents containing personal data, 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 data⁷ (hereafter ‘Regulation (EC) No 45/2001’) becomes fully applicable.

Please note that, as from 11 December 2018, Regulation (EC) No 45/2001 has been repealed by 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/EC⁸ (hereafter ‘Regulation (EU) 2018/1725’).

However, the case-law issued with regard to Regulation (EC) No 45/2001 remains relevant for the interpretation of Regulation (EU) 2018/1725.

In the above-mentioned judgment, the Court stated that Article 4(1)(b) of Regulation (EC) No 1049/2001 ‘requires that any undermining of privacy and the integrity of the individual must always be examined and assessed in conformity with the legislation of the Union concerning the protection of personal data, and in particular with [...] [the Data Protection] Regulation’⁹.

Article 3(1) of Regulation (EU) 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person [...]’.

As the Court of Justice confirmed in Case C-465/00 (*Rechnungshof*), ‘there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of private life’¹⁰.

All documents requested, except documents 1, 3, 5, 6, 8, 10, 12 and 14 (public documents) contain personal data such as name, initials, functions, email address of persons who do not form part of the senior management of the European Commission or external parties.

⁶ Judgment of the Court of Justice of 29 June 2010, *European Commission v The Bavarian Lager Co. Ltd* (hereafter referred to as ‘*European Commission v The Bavarian Lager* judgment’) C-28/08 P, EU:C:2010:378, paragraph 59.

⁷ OJ L 8, 12.1.2001, p. 1.

⁸ OJ L 295, 21.11.2018, p. 39.

⁹ *European Commission v The Bavarian Lager* judgment, cited above, paragraph 59.

¹⁰ Judgment of the Court of Justice of 20 May 2003, *Rechnungshof and Others v Österreichischer Rundfunk*, Joined Cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.

The names ¹¹ of the persons concerned as well as other data from which their identity can be deduced undoubtedly constitute personal data in the meaning of Article 3(1) of Regulation (EU) 2018/1725.

Pursuant to Article 9(1)(b) of Regulation (EU) 2018/1725, ‘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 are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation (EU) 2018/1725, can the transmission of personal data occur.

In Case C-615/13 P (*ClientEarth*), the Court of Justice ruled that the institution does not have to examine by itself the existence of a need for transferring personal data¹². This is also clear from Article 9(1)(b) of Regulation (EU) 2018/1725, which requires that the necessity to have the personal data transmitted must be established by the recipient.

According to Article 9(1)(b) of Regulation (EU) 2018/1725, the European Commission has to examine the further conditions for the lawful processing of personal data only if the first condition is fulfilled, namely if the recipient establishes 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 confirmatory application, you do not 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 subjects’ legitimate interests might be prejudiced.

Notwithstanding the above, there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by the 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.

¹¹. *European Commission v The Bavarian Lager* judgment, cited above, paragraph 68.

¹² Judgment of the Court of Justice of 16 July 2015, *ClientEarth v European Food Safety Agency*, C-615/13 P, EU:C:2015:489, paragraph 47.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, 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 the disclosure of the personal data concerned.

In your confirmatory request, you argue that the “refusal to grant (the) application is based on a blanket ban on disclosure without assessing the merit of each relevant document”. We have to confirm that the Secretariat-General made a case-by-case assessment of every single document.

2. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure.

According to the case-law, the applicant must, on the one hand, demonstrate the existence of a public interest likely to prevail over the reasons justifying the refusal of the documents concerned and, on the other hand, demonstrate precisely in what way disclosure of the documents would contribute to assuring protection of that public interest to the extent that the principle of transparency takes precedence over the protection of the interests which motivated the refusal¹³.

In your confirmatory application, you indicate that there is an overriding public interest in knowing how lobby and industry groups may have informed and / or influenced decision-making on an important matter of public interest.

We would like to refer to the judgment of the Court of Justice in the *Strack* case¹⁴, where the Court ruled that, in order to establish the existence of an overriding public interest in transparency, it is not sufficient to merely rely on that principle. The applicant has to show why in the specific situation the principle of transparency is especially pressing and capable, therefore, of prevailing over the reasons justifying non-disclosure¹⁵.

Finally, we confirm that EU decisions are taken as openly as possible and as closely as possible to the citizen¹⁶. In response to Russian President Putin’s unprecedented and unprovoked military attack against Ukraine, the EU responded by adopting a comprehensive and robust package of restrictive sanctions and published extensive information under <https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger->

¹³ Judgment of the General Court of 9 October 2018, *Anikó Pint v European Commission*, T-634/17, EU:T:2018:662, paragraph 48; Judgment of the General Court of 23 January 2017, *Association Justice & Environment, z.s v European Commission*, T-727/15, EU:T:2017:18, paragraph 53; Judgment of the General Court of 5 December 2018, *Falcon Technologies International LLC v European Commission*, T-875/16, EU:T:2018:877, paragraph 84.

¹⁴ Judgment 2 October 2014, *Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 128.

¹⁵ Ibid, paragraph 129.

¹⁶ C-57/16 ClientEarth, paragraph 73 seq.

We have not been able, based on our analysis, to establish the existence of an overriding public interest in the disclosure of the documents requested. We consider that, in this case, there is no overriding public interest that would outweigh the public interest in safeguarding interests protected by the first indent Article 4(2) first indent (protection of commercial interests if a natural or legal person, including intellectual property).

Taking into account that the documents concerned are also covered by the exceptions set out in Article 4(1)(b) (protection of privacy and the integrity of the individual), of Regulation (EC) No 1049/2001, which are not subject to a public interest test, we must conclude that access to the document requested in this case must be refused.

3. PARTIAL ACCESS

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, we have considered whether further partial access or partial access could be granted to the documents identified under your request.

As stated above, full access is granted to documents 1, 3, 5, 6, 8, 10, 12, 14, 32 and 36 and access is granted to documents 2, 4, 7, 9, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40 and 41 with the exception of information protected under Article 4(1) b of the Regulation (EC) No 1049/2001.

Access is granted to document 26, with the exception of information whose disclosure would undermine the interests protected under exceptions in Article 4(1)(b) (protection of privacy and the integrity of the individual) and Article 4(2) first indent (protection of commercial interests if a natural or legal person, including intellectual property)

4. MEANS OF REDRESS

Finally, we draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

*For the European Commission
Ilze JUHANSONE
Secretary-General*

Enclosures: 24