



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS
The Director-General

Brussels
JUST.A.3

Ms. Jennifer Gullery
1 Long Lane
London
THE UNITED KINGDOM

Sent by email:
ask+request-12661-2a91a80c@asktheeu.org

Subject: Your application for access to documents 2023/1308

Dear Ms. Gullery,

We refer to your request for access to European Commission documents registered on 27 February 2023 under the above-mentioned reference number.

You request access to *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 Manufacture Française des Pneumatiques Michelin and Cabinet members of Didier Reynders, Geneviève Tuts and Lucrezia Busa, on 23/11/21.*

The following documents fall within the scope of your application:

- (CAB REYNDERS/1118) - Réunion avec Michelin, Ares(2023)2444027;
- Flash report - Meeting of Commissioner Reynders' Head of Cabinet Tuts with Michelin, Berlaymont, 24 November 2021, Ares(2021)7362924;
- AGENDA 24/11/2021 - Meeting request with Michelin - to exchange views on issues linked to due diligence and corporate social responsibility, as well as to the broader ambitions of the EU's Green Deal, Ares(2021)6883589;
- RE: Meeting request – Michelin, Ares(2022)7317024.

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 document Ares(2023)2444027 may be partially disclosed. Some parts of this document have been blanked out as their disclosure is prevented by exception to the right of access laid down in the second subparagraph of Article 4(3) of this Regulation, which stipulates that “[a]ccess to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure”.

The redacted parts of the document Ares(2023)2444027 relate to the defensives and background for internal use of the Commission.

Disclosure of these parts would undermine the protection of the institution's decision-making process as regards ongoing negotiations of proposals with the co-legislators.

The exceptions laid down in 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of that document. We have examined whether there could be an overriding public interest in disclosure, but that we have not been able to identify such an interest.

With regard to the first and the other three documents listed above, a complete disclosure of them is also 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; and/or
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation 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 any 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 registered under Ares(2023)2444027, Ares(2021)7362924, Ares(2021)6883589 and Ares(2022)7317024 numbers, 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.

Please note that the document originating from a third party (i.e. Ares(2021)6883589) is 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.

The two first disclosed documents (i.e. Ares(2023)2444027 and Ares(2021)7362924) were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Justice and Consumers. The second one solely reflects the services' interpretation of the interventions made and does not set out any official position of the third party to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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

We would appreciate if you could confirm receipt of the present e-mail by replying to JUST-A3@ec.europa.eu.

Yours sincerely,

(e-signed)

Ana Gallego
Director-General

Enclosures: 4