Subject: Your application for access to documents 2023/3883

Dear Mr. Vranken,

We refer to your request for European Commission documents registered on 05/07/2023 under the above-mentioned reference number.

I would like to apologise for the delay in replying to your request.

In essence, you request access to all documents related to the meetings held between the cabinet of Commissioner Reynders and

- Google (on 06/03/23),
- Uber (on 21/03/23),
- Microsoft (on 24/05/23),
- Mastercard (on 25/05/23),
- EuroCommerce (on 13/06/23), and
- Google (on 26/06/23).

I consider your request to cover documents held up to the date of your initial application, i.e. 05/07/2023.

Your application therefore concerns the following documents:

1. Meeting with Google – 06/03/2023 – Briefing – CAB REYNDERS/1685
2. Meeting request Google – Ares(2023)6599084
3. Meeting with Uber – 21/03/2023 – Briefing – CAB REYNDERS/1735
4. Meeting with Uber – 21/03/2023 – Flash report – Ares(2023)2068210
5. Meeting with Microsoft – 24/05/2023 – Briefing – CAB REYNDERS/1828
6. Meeting request Microsoft – Ares(2023)6599325
7. Meeting request Uber – Ares(2023)4985794
8. Meeting with Mastercard – 25/05/2023 – Briefing – CAB REYNDERS/1797
9. Meeting request Mastercard – Ares(2023)5034382
10. Meeting with EuroCommerce – 13/06/2023 – Briefing – CAB REYNDERS/1822
11. Meeting request EuroCommerce – Ares(2023)6599446
12. Meeting with EuroCommerce – 13/06/2023 – Flash report – Ares(2023)4180448
14. Meeting request Google – Ares(2023)5036641
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**.

A complete disclosure of the 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 it contains the following personal data:

- the names and contact details of Commission staff member not pertaining to the senior management,
- the names and contact details of other natural persons, and
- other information relating to identified or identifiable natural persons (CVs, photos).

Article 9(1)(b) of the Data Protection Regulation (¹) 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 identified documents.

Furthermore, some parts of documents **1, 3, 5, 8, 10, and 13** have been redacted on the basis of Article 4(3), first subparagraph, of the Regulation.

According to this provision, “Access to a document, drawn up by an institution for internal use [...], 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.”

The redacted parts of documents **1, 3, 5 and 13** relate to the Commission’s legislative proposals on political advertising and artificial intelligence. The legislative processes pertaining to the adoption of these texts are ongoing: they will have to be negotiated and adopted by the European Parliament and the Council before becoming EU laws. The proposals are therefore part of an inter-institutional decision-making process which has not yet reached formal agreement. Disclosure of the redacted parts of the document at this stage would reveal internal viewpoints and political considerations in relation to the adoption of highly sensitive legislation, thereby undermining this inter-institutional decision-making process.

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The same applies to document 10, which contained sections related to the proposal on empowering consumers for a green transition and on the right to repair, as well as the modifications of the Consumer Rights Directive and Unfair commercial practices Directive, on which formal agreements have not been reached either. The redacted part of document 8 relate to the Commission’s initiatives in the area of data protection and personal data flows.

Finally, some parts of document 12 have been blanked out as their disclosure is prevented by the exception to the right of access laid down in Article 4(2), first indent of the Regulation. The redacted part of the document contains commercially sensitive information. EuroCommerce, the third party who was consulted, has objected to the disclosure of this section of the document, arguing that it was important, for “EuroCommerce and its members […] to be able to discuss sensitive matters […] on a confidential basis with Commission officials”.

The exceptions laid down in Article 4(2), first indent, and Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document.

In your application, you do not put forward any reasoning pointing to an overriding public interest in disclosing the redacted parts of the documents, and I have not been able to identify any public interest capable of overriding the public interests protected by Article 4(2), first indent, and Article(3), first subparagraph, of Regulation (EC) No 1049/2001 either.

Please note that the identified documents are internal documents, which were drawn up under the responsibility of the relevant services of the Directorate-General for Justice and Consumers. They do not reflect the position of the Commission and cannot be quoted as such, nor do they set out any official position of the third parties to which they refer.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter.

You can submit it:

**by mail, to:**

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
Yours faithfully,

Ana GALLEGU

Enclosures: 14