



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

The Director-General

Ares (2017) 4600:
JANUARY, 27, 2017

Brussels,
EMPL/A2/SM/rmn D(2017)

***By registered letter with
acknowledgment of receipt***

Mr Bryan Carter
42 Rue Paul Lauters
B-1050 Brussels

Advance copy by email:

ask+request-3707-a4fb3a92@asktheeu.org

Subject: Your application for access to documents - Ref GestDem No. 2017/90

Dear Mr Carter,

We refer to your email dated 06/01/2017 in which you make a request for access to documents, registered on 06/01/2017 under the above-mentioned reference number.

You request access to the minutes and supporting documents (reports, presentations, etc.) used during or produced after the following meetings:

1. Between BUSINESSEUROPE and Commissioner Marianne Thyssen on 21 September 2015
2. Between BUSINESSEUROPE and Inge Bernaerts on 14 July 2015
3. Between BUSINESSEUROPE and Inge Bernaerts on 9 December 2014

We regret to inform you that no documents were found in relation to the two meetings between BUSINESSEUROPE and Inge Bernaerts held on 9 December 2014 and 14 July 2015 that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 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 documents have been identified, the Commission is not in a position to handle your request concerning those two meetings.

Having examined the document on the meeting between BUSINESSEUROPE and Commissioner Marianne Thyssen on 21 September 2015 I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of the Regulation (EC) No 1049/2001 regarding public access to documents.

The disclosure could undermine BusinessEurope's capacity to act as European cross-industry social partner organisation. European social partners have an important role in shaping legislation in the social field as defined in Articles 152, 154 and 155 of the Treaty on the Functioning of the EU. The disclosure of this information could therefore have negative consequences on the Commission's decision-making process. Disclosure of the document requested would undermine the protection of the commercial interests of BusinessEurope, as putting this information in the public domain would affect the competitive position of its members on the market. Therefore the exceptions laid down in Article 4(2) first indent and Article 4(3) of Regulation (EC) No 1049/2001 applies to this document.

The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

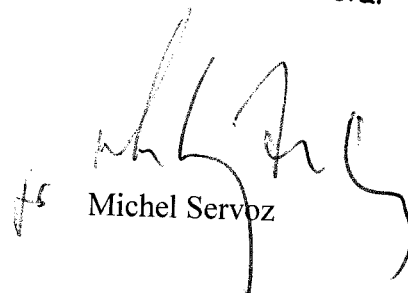
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

ZOLTAN KAZATSAY
Deputy Director General


Michel Servoz