



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate A - Strategy, Better Regulation & Corporate Governance  
**The Director**

Brussels ,  
SG.A.2/FL

**Subject: Your application for access to documents – Ref GestDem No 2021/0811**

Dear Mr Bank,

We refer to your request for access to documents dated 16 February 2021, registered on the same date under the above-mentioned reference number.

You have requested the following documents:

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the meetings of the members of the Regulatory Scrutiny Board (RSB), i.e. Veronica Gaffey, Mona Björklund, Dorota Denning, Michael Gremminger, Andreas Kopp, Bernard Naudts, have held with interest representatives on the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 January 2020 until 31 December 2020;
- All correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) between members of the Regulatory Scrutiny Board (RSB), i.e. Veronica Gaffey, Mona Björklund, Dorota Denning, Michael Gremminger, Andreas Kopp, Bernard Naudts, and interest representatives on the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 January 2020 until 31 December 2020.

The RSB did not hold any such meetings and did not have any correspondence with interest representatives in relation with the files mentioned and therefore the Commission does not hold any documents that would correspond to the description given in your application. Note that in order to preserve its independence and objectivity for assessing the quality of impact assessments and evaluations, the RSB does not engage with interest groups on the specific files that it assesses<sup>1</sup>.

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.

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<sup>1</sup> Decision P (2020)2

Max Bank  
LobbyControl  
Am Justizzentrum 7  
50939 Cologne - Germany

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

We would be grateful if could confirm the receipt of this electronic letter by sending us an e-mail to the mailbox [SG-BETTER-REGULATIONS@ ec.europa.eu](mailto:SG-BETTER-REGULATIONS@ec.europa.eu).

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 Secretariat-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 sincerely,

Michael WIMMER

c.c.: SG.C1