



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

The Director-General

Brussels  
GROW.B.1/MS

Ms Lora Verheecke  
Rue du Bronze 9  
1070 Bruxelles

By email : ask+request-9718-  
3c41ae52@asktheeu.org

**Subject: Your application for access to documents – GESTDEM 2021/4243**

Dear Ms Verheecke,

We refer to your e-mail of 27 June 2021 in which you make a request for access to documents, registered on 28 June 2021 under the above mentioned reference number.

You request access to “*All documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 7th May 2021 between Fabrice Comptour and Robert Bosch GmbH, Infineon Technologies AG and NXP Semiconductors Netherlands B.V. (NXP) on the alliance in microelectronics*”.

The following documents fall within the scope of your application:

- WG: letter from NXP to Thierry Breton, 21/05/2021, reference Ares(2021)3433025 (hereafter ‘document 1’);
- Follow-up: NXP request for short call with Commissioner Breton, from NXP to Cabinet Breton, 27/05/2021, reference Ares(2021)3433025 (hereafter ‘document 2’);
- Breton-letter-final, from Robert Bosch, Infineon and NXP, 20/05/2021, reference Ares(2021)3433025 (hereafter ‘document 3’).
- RE: letter to Breton, reply from Valère Moutarlier to Infineon, Robert Bosch and NXP, 31/05/2021, reference Ares(2021)3433025 (hereafter ‘document 4’).

## **I. Non-disclosure of third party documents - 1, 2, 3:**

Since the documents 1, 2 and 3 originate from third parties, the originators of the documents have been consulted.

Following an examination of these documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I regret to inform you that access to those documents cannot be granted, as their disclosure is prevented by exceptions to the right of access laid down in Article 4(2) first indent of the Regulation.

These documents contain commercially sensitive business information of the company that submitted it. Their disclosure would undermine the protection of commercial interests of a natural or legal person, as putting this information in the public domain would affect their competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of the Regulation applies to these documents, unless there is an overriding public interest in their disclosure. I have examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

## **II. Partial access – document 4:**

Having examined document 4, I have come to the conclusion that it may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) and (2) first indent of the Regulation (EC) No 1049/2001. Those exceptions concern: protection of privacy and the integrity of the individual and protection of the commercial interests of a legal person.

### **1. Reasons for partial access**

#### **- Protection of personal data**

A complete disclosure of the identified document 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/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person such as office and phone numbers.

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

document mentioned above, 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.

Therefore, partial access is granted to the requested documents, expunged of personal data.

**- Protection of the commercial interests**

In addition, document 4 contains commercially sensitive business information of the companies involved. Disclosure of parts of this document would undermine the protection of the commercial interests of the companies, as putting this information in the public domain would affect their competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

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**III. Means of redress**

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 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*Electronically signed*

Kerstin Jorna  
Director-General

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