



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
SG.D.1 - Digital Transition, Industry & Single Market

SG.D.1/EW

Naomi Hirst,
Global Witness
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1000 Bruxelles
Belgique

Email: ask+request-10470-f6762f5f@asktheeu.org

Dear Ms Hirst,

Subject: Your application for access to documents – GESTDEM 2022/0095

We refer to your request for access to documents on 7 January 2022, registered 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 2021-11-17 between Margrethe Vestager and Google*”.

We have identified the following documents responsive to your request:

1. *Ares 2021 70639933 – e-mail exchange about the meeting request, including original meeting request*
2. *Ares 2021 7122040 – briefing for EVP Vestager, in particular*
 - *2a EU-US Trade and Technology Council Inaugural Joint Statement*
 - *2b Briefing on EU-US Trade and Technology Council*
 - *2c Briefing on Cloud*
 - *2d Briefing on Digital Services Act*
 - *2e Steering brief*
 - *2f Table of content*
3. *Ares 2021 7269680 – meeting memo*
4. *Ares 2021 7122040 – meeting report*

The full disclosure of these identified 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 they contain personal data.

Article 9(1)(b) of the Data Protection Regulation (Regulation 2018/1725) 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 neither express any particular interest to have access to these personal data, nor put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Document 2b, briefing on EU-US Trade and Technology Council includes information related to the international relations of the EU, the disclosure of which would undermine the protection of the public interest as regards international relations. There is a material risk that the disclosure of the information would affect the relationship with third countries negatively and as a result, would affect the mutual trust between the EU and the US and thus undermine their relations in relation to the discussions in the Trade and Technology Council. Therefore, the document is partly redacted in accordance with in Article 4(1) a) of Regulation (EC) No 1049/2001.

Document 2c, briefing on Cloud includes information related to the on-going decision-making process of the Commission. Its disclosure would reveal preliminary views and policy options which are currently under consideration and would consequently undermine the institution's decision-making process. Therefore, this information is redacted following the exception to the right of access laid down in Article 4(3) of Regulation (EC) No 1049/2001.

Document 3, meeting memo is a part of Antitrust, Merger and State aid case files at various procedural stages. Given that a general presumption of non-disclosure is applicable to such proceedings, access to this document is refused in its entirety under the exception related to the protection of the purpose of the Commission's competition investigations set out in Article 4(2), third indent of Regulation 1049/2001.

Document 4 was drawn up for internal use under the responsibility of the relevant services of the European Commission. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which were not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Elisabeth WERNER
Director (acting)

Enclosure: disclosed documents