



EUROPEAN COMMISSION

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

Ecosystems II: Tourism & Proximity

G3. Digital transformation of industry

Brussels, 07/04/2021

GROW.G.3/AV/CS

Subject: Your application for access to documents – GESTDEM 2021/0780

Dear Sir,

We refer to your e-mail of 16 February 2021 in which you make a request for access to documents, registered on 17 February 2021 under the above mentioned reference number.

You request access to:

- 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 members of DG Internal Market, Industry, Entrepreneurship and SMEs below the level of Commissioner and Cabinet have held with interest representatives on the Digital Services Act and the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 August 2020 until the date of your request;

- All correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) between members of DG Internal Market, Industry, Entrepreneurship and SMEs below the level of Commissioner and Cabinet have held with interest representatives on the Digital Services Act and the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 August 2020 until the date of your request;.

Your application concerns the following documents:

| <i>Nr.</i> | <i>Title of document</i> | <i>Type of document</i> | <i>Date of document</i> | <i>Organisation concerned</i> | <i>ARES Number</i> |
|------------|--|-------------------------|-------------------------|--|--------------------------|
| <i>1</i> | <i>AFEP's positions on a new competition tool for competition (NCT) and the Digital Services Act</i> | <i>Incoming E-mail</i> | <i>30.09.2020</i> | <i>French Association of Large Companies</i> | <i>Ares(2021)2056148</i> |

| | | | | | |
|---|---|--------------------------|-------------------|---|--------------------------|
| 2 | <i>Meeting report: Virtual meeting with LVMH – 7 October 2020</i> | <i>internal E-mail</i> | <i>07.10.2020</i> | | <i>Ares(2020)6115490</i> |
| 3 | <i>Quick notes from the Spotify meeting</i> | <i>Internal E-mail</i> | <i>28.10.2020</i> | <i>Spotify</i> | <i>Ares(2021)2055505</i> |
| 4 | <i>Flash report - webex discussion with Digital Europe 30.10.2020</i> | <i>Internal E-mail</i> | <i>30.10.2020</i> | <i>Digital Europe</i> | <i>Ares(2021)2055408</i> |
| 5 | <i>Our notes on DuckDuckGo</i> | <i>Internal E-mail</i> | <i>9.11.2020</i> | <i>DuckDuckGo</i> | <i>Ares(2021)2055671</i> |
| 6 | <i>Briefing</i> | <i>Internal briefing</i> | <i>12.11.2020</i> | <i>Association of Commercial Television</i> | <i>Ares(2021)2055792</i> |
| 7 | <i>Flash report call with Association of Commercial Television 13 November 2020</i> | <i>Internal E-mail</i> | <i>13.11.2020</i> | <i>Association of Commercial Television</i> | <i>Ares(2021)2170723</i> |

With regard to the documents listed above, a complete disclosure of the 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 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;
- handwritten signatures/abbreviated signatures of natural persons;

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 documents, 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.

Please note that the document registered under *Ares(2021)2056148* originating from third parties is disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.

As regards the other documents, which represent summary records of meetings with external parties, these documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refers, which were not consulted on their content. They do 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

Amaryllis VERHOEVEN
Head of Unit

- Enclosure:
- AFEP's positions on a new competition tool for competition (NCT) and the Digital Services Act
 - Meeting report: Virtual meeting with LVMH – 7 October 2020
 - Quick notes from the Spotify meeting
 - Flash report - webex discussion with Digital Europe 30.10.2020
 - Our notes on DuckDuckGo
 - Briefing
 - Flash report call with Association of Commercial Television 13 November 2020