



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate E - Aviation  
E.1 – Aviation Policy

Brussels  
MOVE.DDG2.E1

Ms Lucca Ewbank  
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***By email with request for acknowledgement  
of receipt:***

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ad45c091@asktheeu.org](mailto:ask+request-11881-ad45c091@asktheeu.org)

**Subject: Your application for access to documents – EASE Case 2022/5554**

Dear Ms Ewbank,

We refer to your application of 27 September 2022 in which you make a request for access to documents, registered on 29 September 2022 under the abovementioned reference number.

You request access to “*All documentation, including but not limited to, attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings of the cabinet members of Commissioner Adina-Ioana Vălean with multiple organisations.*

*1. Airlines for America with Cabinet members of Commissioner Adina-Ioana Valean on 31/08/2022 and 08/06/2022 (...)*”

Please note that due to the wide scope of your request, covering areas falling under the responsibility of different units of the Directorate-General for Mobility and Transport (DG MOVE), your request has been attributed to multiple units<sup>1</sup>. This reply relates only to the documents concerning the meetings listed above. You will receive the replies from the other units of DG MOVE in due course.

I consider your request to cover documents held up to the date of your initial application, i.e. 27 September 2022.

We have identified the following document as falling within the scope of your application:

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<sup>1</sup> In particular, the request registered under the reference number EASE 2022/5557, which concerns the meetings of the “*European Community of Shipowners Association with Cabinet members of Commissioner Adina-Ioana Valean on 30/06/2022 and 08/06/2022*”.

1. Email with a summary of the meeting between members of the Cabinet of Commissioner Adina Vălean and Airlines for America on 8 June 2022 (attached as file “1\_Redacted”).

We regret to inform you that the Commission does not hold any documents concerning the meeting between Cabinet members of Commissioner Adina-Ioana Vălean and Airlines for America on 31 August 2022. There were no documents exchanged prior to or after the meeting.

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereinafter ‘Regulation (EC) No 1049/2001’), we have come to the conclusion that it may be partially disclosed. Some parts of the document have been redacted since their disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation.

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data. A complete disclosure of the identified document is prevented by the exception outlined in Article 4(1)(b) of this Regulation, as it contains the following personal data:

- The names and contact information of Commission staff members not pertaining to the senior management;
- The names and contact details of other natural persons.

The applicable legislation in this field is Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC<sup>3</sup> (hereinafter, ‘Regulation (EU) No 2018/1725’, or ‘Data Protection Regulation’).

In particular, Article 3(1) of Regulation (EU) No 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person [...]’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data<sup>4</sup>.

In its judgment in Case C-28/08 P (Bavarian Lager)<sup>5</sup>, the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable<sup>6</sup>.

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<sup>2</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, p. 43.

<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 205 of 21.11.2018, p. 39.

<sup>4</sup> Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, *Peter Nowak v Data Protection Commissioner*, ECLI:EU:C:2017:994, paragraphs 33-35.

<sup>5</sup> Judgment of 29 June 2010 in Case C-28/08 P, *Commission v Bavarian Lager*, ECLI:EU:C:2010:378, paragraph 63.

<sup>6</sup> Whereas this judgment specifically related to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, the principles set out therein are also applicable under the new data protection regime established by Regulation (EU) No 2018/1725.

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA) are regulated under Chapter V of the Data Protection Regulation.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that pursuant to Article 9(1)(b) of Regulation (EU) No 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

Only if these conditions are fulfilled and the processing constitutes lawful handling in accordance with the requirements of Article 5 of Regulation (EU) No 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of the Regulation (EU) No 2018/1725, the Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted to you for a specific purpose in the public interest. It is only in that case the Commission has to examine whether there is a reason to assume that the legitimate interests of the data subject might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

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. Therefore, the Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the document, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

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, 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 disclosed document was drawn up for internal use. It solely reflects the authors’ interpretation of the interventions made, and does not set out any official position of the third parties to which the documents refer. It also does not reflect any 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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

**by asking for a review via your portal<sup>7</sup> account** (available only for initial requests submitted via the portal account),

**or by mail:**

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](mailto:sg-acc-doc@ec.europa.eu)

Finally, I kindly ask you to confirm receipt of this email.

Yours faithfully,

Flor DIAZ PULIDO  
Head of Unit  
*e-signed*

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<sup>7</sup> <https://www.ec.europa.eu/transparency/documents-request>