



EUROPEAN COMMISSION

LEGAL SERVICE
The Director-General

By email

Mr Bram Vranken

ask+request-13452-72038130@asktheeu.org

Subject: Request for access to documents

Ref.: Your request of 1 September 2023 registered under reference 2023/5103.

Dear Mr Vranken,

I refer to your request under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

You request access to:” *All minutes, agendas, summaries, notes or memos issued before or after; documents prepared for, issued in preparation for, or exchanged during; as well as all correspondence including attachments by either of the meeting parties related to the meeting between Director-General Daniel Calleja Crespo and Amazon on 08/06/23 and the meeting between Director-General Daniel Calleja Crespo and Apple on 16/03/23.*”

1. IDENTIFICATION OF THE DOCUMENTS

In reply to your request, I would first like to inform you that both meetings you refer to in your request were courtesy visits. Therefore, no agenda, minutes or other documents have been prepared or exchanged.

In the light of the above and after examination of the Legal Service’s files, the following documents have been identified as matching the terms of your request:

1. E-mail exchanges with Apple (Ref: Ares(2023)6469590);
2. E-mail from Amazon (Ref: Ares(2023)6469432).

2. ASSESSMENT OF DOCUMENTS 1 AND 2

As far as the parts of the documents (e-mails) originating from third parties are concerned, the European Commission has consulted their respective authors - representatives of Apple and Amazon - on disclosure, in accordance with article 4(4) of Regulation (EC) 1049/2001. They have agreed to the disclosure.

After a concrete assessment of the documents by the Commission, I am pleased to inform you that access can be granted to them, with the exception of some personal data in accordance with Article 4 (1)(b) of Regulation (EC) No 1049/2001, as will be explained below.

Accordingly, please find enclosed a redacted copy of documents 1 and 2.

Please note that the e-mails drawn up under the responsibility of the Legal Service of the European Commission do not set out any official position of the Commission and cannot be quoted as such. As regards the e-mails originating from third parties, access to them is granted for information only and they cannot be re-used without the agreement of the originators.

¹ Official Journal L 145, 31.05.2001, page 43.

3. PROTECTION OF PERSONAL DATA

As stated above, some personal data has been redacted in the documents disclosed since they are covered by the exception provided for in Article 4 (1)(b) of Regulation (EC) No 1049/2001, in accordance with the European Union legislation regarding the protection of personal data.

The redacted information consists of:

- the name and function of the Commission's official not forming part of senior management (document 1 and 2);
- the contact details of the Commission's officials (documents 1 and 2);
- the names, the function and contact details of the representatives of Apple (document 1);
- the names, the function and contact details of the representatives of Amazon (document 2).

In the present case, it has not been established that it is necessary to have these data transmitted for any specific purpose in the public interest (Article 9(1)(b) of the Data Protection Regulation, i.e. Regulation (EU) No 2018/1725²). Therefore, the European 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 subject concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Please also note that the exception of Article 4(1)(b), concerning the protection of personal data, has an absolute character and does not envisage the possibility of demonstrating the existence of an overriding public interest.

4. MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretariat-General 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

Yours sincerely,

[signed electronically]
Daniel CALLEJA

Attachments: 2

² 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, page 39).