



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Unit 01: International affairs and data flows

Brussels, 29 January 2024
JUST.01

Samuel Stolton

Sent by e-mail to: ask+request-13572-d09ad901@asktheeu.org

Subject: Your application for access to documents – case number 2023/5599

Dear Mr Stolton,

We refer to your request for access to documents of 27 September 2023, registered under the above-mentioned reference number.

1. IDENTIFICATION OF RELEVANT DOCUMENTS

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other services, parts of your request have been attributed to the Directorate-General for Communications Networks, Content and Technology and to the Directorate-General for Competition. Their reference numbers are EASE 2023/6843 and EASE 2023/5584 respectively.

This reply relates only to the documents held by the Directorate-General for Justice and Consumers. You will receive the replies from the other respective Directorates-General in due course.

We have identified the following documents as falling within the scope of your request:

- Briefing for Commissioner Reynders meeting with Apple CEO, Tim Cook on 26 September 2023 and its addendum on consumers issues – CAB REYNDERS/1943.
- Minutes of Commissioner Reynders meeting with Apple CEO, Tim Cook on 26 September 2023 - Ares(2024)539898.
- Correspondence between the Cabinet of Commissioner Didier Reynders and the European Government Affairs Department at Apple - Ares(2024)539687.

2. ASSESSMENT OF IDENTIFIED DOCUMENT

Following an examination of the documents, I have come to the conclusion that they may be partially disclosed. Full disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation, notably Article 4(1)(b) of Regulation (EC) No

1049/2001, because it contains the names/initials of natural persons; the names/initials and contact information of Commission staff members not pertaining to the senior management; and other information relating to an identified or identifiable natural person (curriculum vitae).

Article 9(1)(b) of the Data Protection Regulation¹ 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.

3. RIGHT TO MAKE A CONFIRMATORY APPLICATION

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

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to: JUST-01-INTERNATIONAL@ec.europa.eu.

Yours faithfully,

Bruno GENCARELLI
Head of Unit
[e-signed]

¹ 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 295, 21.11.2018, p. 39.