



EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A - Strategy & Resources
DIGIT A3 - ICT Procurement & Contracts

Brussels,
DIGIT.A.3.001/EA

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**Subject: Your applications for access to documents – Ref GestDem No
2019/3968 and 2019/3969**

Dear Sir,

We refer to your messages sent on 9 July 2019, 17 July 2019 and 19 July 2019, through the Frag den Staat platform, in which you make a request for access to documents, regarding the following subjects:

- Google, request registered on 10/07/2019 under reference number GestDem 2019/3969;
- Facebook, request registered on 10/07/2019 under reference number GestDem 2019/3968;
- Apple, request registered on 23/07/2019, under reference number GestDem 2019/4296;
- Microsoft, request registered on 24/07/2019, under reference number GestDem 2019/4321;
- Amazon, request registered on 24/07/2019, under reference number GestDem 2019/4322.

1. INTRODUCTION

Following your request, the Directorate-General Informatics sent you a letter on 25 July 2019 (Ares(2019)4948256) to inform you that the delay will be extended to 22 August 2019 for requests 2019/3968 and 2019/3969, to 4 September 2019 for request 2019/4296 and to 5 September for requests 2019/4321 and 2019/4322. In this letter, the Directorate-General Informatics also proposed a fair solution in order to better define the scope of your request, namely:

- Limiting the scope of your request time-wise to after November 2014 (current Commission). As this timeframe was already indicated in the following requests: Apple Ref, GestDem 2019/4296; Microsoft, Ref GestDem 2019/4321; Amazon, Ref GestDem 2019/4322.
- Limiting the scope content-wise by interpreting “lobby meeting” as either:
 - o A meeting held by the Director-General and mentioned in the “list of meetings with organisations and self-employed individuals” available at <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=06fb3b80-76a8-43f1-b1a5-e703cfe8d625> and <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=06fb3b80-76a8-43f1-b1a5-e703cfe8d625&startDate=01-11-2014> ; or
 - o A meeting which falls under the definition of Commission Decision 2017/838/EU, i.e. with the purpose “*to discuss an issue related to policy-making and implementation in the Union*”, where the other party is “*engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the institutions of the Union*”, except those meetings “*taking place in the context of an administrative procedure established by the Treaties or Union acts*”.

In your e-mail dated on 27 July 2019, you confirmed that your requests were limited time-wise to documents after November 2014. By the same e-mail, you also clarified that for the definition of lobby meeting, you request all documents falling under the definition of Commission Decision 2014/838/EU, i.e. a meeting with the purpose “*to discuss an issue related to policy-making and implementation in the Union*”, where the other party is “*engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the institutions of the Union*”, except those meetings “*taking place in the context of an administrative procedure established by the Treaties or Union acts*”.

As the deadline to answer your requests Ref GestDem No 2019/3969 and 2019/3968 expires on 22 August, our services focused on these requests first. **The present only aims at answering to these two requests Ref GestDem No 2019/3969 and 2019/3968.** A separate letter will answer to your requests Ref GestDem No 2019/4296, 2019/4321 and 2019/4322 at a later stage.

2. NO DOCUMENTS CORRESPONDS TO THE SCOPE OF YOUR REQUEST

We regret to inform you that our Directorate-General Informatics does not hold any documents that would correspond to the description given in your applications.

As specified in Article 2(3) of Regulation (EC) No 1049/2001¹, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

3. SIMILAR DOCUMENT

However, in order to answer to your request in the most comprehensive way possible, the Directorate-General Informatics informs you that meetings have been held in the past between Ms Gertrud Ingestad (Director-General) and Google.

These meetings are listed in the register on “*Meetings of Director-General Gertrud Ingestad with organisations and self-employed individuals*”². The following two meetings have been held:

Date	Location	Entity/ies met	Subject(s)
27-03-2019	Brussels	Google	Cloud
22-04-2016	Silicon Valley, USA	Google	Google Presentation, Google Innovations, Devices at work (android and chrome),

Documents have been drawn up in the context of these meetings³.

Although these documents do not fall within the scope of your request, they have been communicated to an applicant in the past and are therefore public. In order to be as extensive as possible in our reply, the Directorate-General Informatics enclosed the documents, as they have been communicated⁴. Therefore, the Directorate-General Informatics grants you access to the following documents:

¹ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (*Official Journal* L 145, 31/05/2001, p. 43)

² <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=06fb3b80-76a8-43f1-b1a5-e703cfe8d625>

³ Please note that documents were only drawn up in the context of the meeting held on 27 March 2009.

⁴ Please note that the documents have been partially redacted in application of Article 4(1)(b) of Regulation (EC) 1049/2001.

#	Registration number	Description
1	Ares(2019)2801042	Report drawn up by the General Secretariat of the Council of the European Union, which held the chair of the CII (Inter-Institutional IT Committee), on a study trip by members of the Senior Management of the EU Institutions and Agencies to San Francisco and the Silicon Valley between 18 and April 2016. Google was one of the companies visited.
2	Ares(2018)4226019 ⁵	13/08/2018 - Request for a meeting on “Introduction Google Cloud” sent from an executive of Google Cloud Belux to the Deputy Director-General of DIGIT.
	Ares(2018)4505463	03/09/2018 - Reply to the above mail, accepting the meeting request.
3	Ares(2019)2810608	Various e-mail exchanges following up on the above meeting request, with an agenda for the meeting ⁶ .
4	Ares(2019)2863809	Minutes of a meeting held on 27/03/2019 between the Director-General of DIGIT, with other collaborators, and representatives of Google Cloud for Northern Europe.

4. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make 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
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

⁵ Please note that both documents were registered separately, but Ares(2018)4226019 is fully contained in Ares(2018)4505463. Hence for practical reasons we will assess Ares(2018)4505463 as a single document.

⁶ The meeting took place on 10 December 2018. No minutes were drawn up.

Yours faithfully,

[e-signed]
Gertrud INGESTAD
Director-General

Enclosure: Documents 1 to 4 (Redacted)