



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Policy and Administrative Support
Legal Affairs

Brussels
SANTE.R.2/

Mr Moritz Neujeffski
Heidebrinkerstraße 10
13357 Berlin
Germany
E-mail: ask+request-12725-78f8201e@asktheeu.org

Dear Mr Neujeffski,

Subject: Your application for access to documents – EASE 2023/1647

We refer to your request for access to European Commission documents registered on 15 March 2023 under the above-mentioned reference number.

We also refer to our email of 05 April 2023 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001¹.

1. Scope of your request

You request access to the complaint (NIF 2015/4010) by Plastics Europe referred to in the Commission briefing a link to which you have included in your request.

More precisely, your application concerns the following document:

- The document titled “*Complaint to the European Commission concerning the failure by France to comply with its obligations under EU law by adopting a Law banning, inter alia, the manufacture, import, export and placing on the market of food contact materials containing Bisphenol A*”, by Association of Plastics Manufacturers in Europe AISBL, dated 25 March 2013 and registered under reference INFR(2015)4010 (hereafter ‘the document’).

Since the document originates from a third party in accordance with Art. 4(4) of Regulation (EC) No 1049/2001, the originator of the documents has been consulted in order to assess whether an exception established in Article 4 applies to these documents.

2. Identification and assessment of relevant documents

We have identified 1 document that fall within the scope of your request.

Having examined the document under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the consulted third party, we have come to the conclusion that partial access can be given to the document, as its full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001 as mentioned below.

⁽¹⁾ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

We enclose a copy of the document redacted of the parts that cannot be disclosed, as further explained below.

Please note that a document 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.

3. Partial disclosure of documents

With regard to the document listed above, a complete disclosure of the identified document 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 details of natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- information on the organisational position relating to an identifiable natural person.

Article 9(1)(b) of the Data Protection Regulation² 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.

4. Means of redress

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 mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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 295, 21.11.2018, p. 39.

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

5. Acknowledgement of receipt

According to the standard operational procedure, the reply is sent by e-mail only. We would therefore appreciate if you could explicitly confirm receipt of the e-mail within 5 working days by replying to sante-consult-r2@ec.europa.eu

Yours sincerely,

Rossella DELFINO
Head of Unit

Annex: Requested document