Subject: Your application for access to documents (EASE 2022/6580)

Dear Ms Laura Döring,

We refer to your request for access to European Commission documents registered on 14 November 2022 under the above-mentioned reference number.

You request access to “all documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meetings listed below:

1. Between European Chemical Industry Council and Nicolas Schmit, Commissioner and Anouk Faber, Cabinet member of Nicolas Schmit on 26/09/2022”

The following documents fall within the scope of your application:

1. Meeting request from Cefic and IndustriAll to Commissioner Nicolas Schmit- the opportunities of the Chemicals Strategy for Sustainability (CSS) and REACH revision on EU occupational safety and health legislation;
2. Summary report for briefing request;
3. Briefing for Meeting with Cefic and IndustriAll
4. Annex to briefing;
5. Flash report from meeting with Cefic and IndustriAll

We enclose a copy of document 4 as requested. In addition, having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents 1, 2, 3 and 5 may be partially disclosed. Some parts of the documents 1, 2, 3 and 5 have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) and first subparagraph of Article 4(3) of this Regulation.

“1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(...)
(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

(...)

3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure."

The redacted parts of the documents 1, 2, 3 and 5 contain personal data and relate to a matter where the decision has not been taken.

Disclosure of these parts would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data and would seriously undermine the institution's decision-making process.

As regards the last exception, we have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

Please note that documents originating from third parties are 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 documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Documents 2, 3 and 5 were drawn up for internal use under the responsibility of the relevant Commission’s services. It solely reflects the services’ interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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 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 portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

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

Yours faithfully,

Joost KORTE

Enclosure:

1. Meeting request from Cefic and IndustriAll to Commissioner Nicolas Schmit- the opportunities of the Chemicals Strategy for Sustainability (CSS) and REACH revision on EU occupational safety and health legislation;
2. Summary report for briefing request;
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