Subject: Your application for access to documents (EASE 2023/7025)

Dear Ms Lora Verheecke,

We refer to your request for access to European Commission documents registered on 26 November 2023 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 and recordings) and the meeting minutes/notes relating to the meeting between Commissioner Schmit and the European Chemical Industry Council, IndustriAll and BASF on 26th September 2022”.

Your application concerns the following documents:

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, as regards document 3 and 5, it also relates 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 EU 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 as regards document 3 and 5, but we have not been able to identify such an interest.

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

Document 1, 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 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.

Please note that documents 2, 3 and 5 were drawn up for internal use under the responsibility of the relevant Commission’s services. They solely reflect the Commission’s services interpretation of the interventions made and do not set out any official position of the third parties to which the document refers. They do not reflect the position of the Commission and cannot be quoted as such.

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

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

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¹ https://www.ec.europa.eu/transparency/documents-request
by mail, to:

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

Yours faithfully,

Joost KORTE

Enclosure:
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