



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Director General

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Grow/C2/MGV/mk/Ares(2017)1595185

Mr Olivier Hoedeman
Corporate Europe Observatory (CEO)
Rue d'Edimbourg 26
1050 Bruxelles
'ask+request-3962-
2749612b@asktheeu.org'

Subject: Your application for access to documents – Ref GestDem No 2017/651

Dear Mr Hoedeman,

We refer to your e-mail dated 06/02/2017 in which you make a request for access to documents, registered on 06/02/2017 under the above mentioned reference number.

You request access to all documentation relating to:

- minutes and other reports of meetings between the European Commission's DG GROW and representatives of Pack2Go Europe and/or International Paper and/or Serving Europe and/or Eamonn Bates Europe Public Affairs, in which the Commission proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste was discussed (between November 2014 and today);
- all correspondence (including emails) between the European Commission's DG GROW and representatives of Pack2Go Europe and/or International Paper and/or Serving Europe and/or Eamonn Bates Europe Public Affairs, in which the Commission proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste was discussed (between November 2014 and today).

We regret to inform you that no documents were found that would correspond to the first point of your application. There were no meetings between the European Commission's DG GROW and representatives of Pack2Go Europe and/or International Paper and/or Serving Europe and/or Eamonn Bates Europe Public Affairs, in which the Commission proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste was discussed (between November 2014 and 06/02/2017). Therefore, there are no meeting minutes or other reports of meetings.

We have identified 7 documents that match the scope of the second part of your request. These are position papers – accessible on the Internet – and cover emails sent on behalf of Pack2Go Europe (as well as other organisations). The list of these documents is in annex.

Some of the documents disclosed, i.e. the cover emails, contain text unrelated to the request and personal data. Such text has been expunged.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure 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. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Lowri Evans

Annexes: 7 documents

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.