



## EUROPEAN COMMISSION

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

Director-General

Brussels, **17 MARS 2017**

GROW/D1/EGJ/nt

grow.ddg1.d.1(2017) 1311692

Mr Olivier Hoedeman  
Corporate Europe Observatory  
Rue d'Edimbourg, 26  
BE – 1050 Brussels

*Advance copy by email:*

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***By registered letter with acknowledgment of receipt***

**Subject: Your application for access to documents – Ref GestDem No 2017/717**

Dear Mr Hoedeman,

We refer to your e-mail dated 07/02/2017 in which you make a request for access to documents, registered in our services on 07/02/2017 under the above mentioned reference number.

Your application concerns the following documents:

*"- minutes and other reports of meetings between the European Commission's DG GROW and industry representatives (including the European Tyre & Rubber Manufacturers' Association and others) in which EU regulation of rubber granulate for artificial turf fields was discussed (between November 2014 and today);*

*- all correspondence (including emails) between the European Commission's DG GROW and industry representatives (including European Tyre & Rubber Manufacturers' Association and others) in which EU regulation of rubber granulate for artificial turf fields was discussed (between November 2014 and today)."*

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the following conclusion:

### **1. Public documents**

Documents referred to under No 18, 19 and 36 in the attached document register are documents already publicly available. We have added a DOI reference or a link in the comment column of the document register for ease of reference.

## **2. Full disclosure**

Documents referred to under No 23, 28, 30, 31 and 34 in the attached document register are disclosed in their entirety.

Please note that these documents were received by the Commission from ETRMA. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such.

## **3. Partial disclosure (personal data expunged)**

Documents referred to under No 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, 29, 32, 33, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 in the attached document register contain personal data, which have been redacted.

The parts of the documents which contain personal data, in particular: names, functions and contact details of Commission staff and stakeholders' representatives, cannot be disclosed. This is 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 European Union 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 data<sup>1</sup>. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

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 with these personal data expunged.

Regarding document No 38, parts of the minutes have also been redacted as these were outside the scope of your request.

## **4. Non-disclosure**

Disclosure of documents referred to under No 12 and 13 in the attached document register is prevented by exception to the right of access laid down in Article 4 of this Regulation.

This document falls under Article 4 paragraph 2 of Regulation (EC) No 1049/2001 where disclosure would undermine the protection of commercial interest of a natural or legal person, including intellectual property.

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.

We have considered whether partial access could be granted to the document requested. It is not possible to grant access to expunged version of this document, as it is entirely covered by the afore-mentioned exception.

According to Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the documents concerned, which has to outweigh the interest protected by the exception to the right of access. In the present case, the services of the Commission have reached the conclusion that there appears to be no overriding public interest in their disclosure in the sense of the Regulation.

In accordance with Article 7(2) of Regulation 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 of 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 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Lowri Evans

Encl.: - Document Register  
- Meetings list  
- Documents partially disclosed and disclosed in their entirety