



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT

The Director-General

Brussels,  
ENV.B.2/CCN/np

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

Vicky Cann  
CEO  
Rue d'Edimbourg 26  
Bruxelles 1050

Advance copy by e-mail: [ask+request-  
5673-069859f4@asktheeu.org](mailto:ask+request-5673-069859f4@asktheeu.org)

Dear Ms Cann,

**Subject: Your application for access to documents: Ref GestDem No 2018 – 3264**

We refer to your e-mail dated 14/07/2018 in which you make a request for access to documents registered under the above mentioned reference number and our holding reply Ref. Ares(2018)3457023 - 29/06/2018.

You requested access to:

*“...a list of all lobby meetings held by any of the 15 organisations listed below, with DG Environment, since 1 September 2017, where the classification of titanium dioxide (TiO<sub>2</sub>) was discussed. The list should include the names of the individuals and organisations attending; the date; and any agendas / minutes / notes produced. I would additionally like to receive any position papers, emails, or other correspondence which relates to the classification of titanium dioxide (TiO<sub>2</sub>) by these 15 lobby groups.*

1. *Titanium dioxide manufacturers association (TDMA)*
2. *European Association of Craft, Small and Medium-sized Enterprises (UEAPME)*
3. *German chemicals industry association-Verband der Chemischen Industrie e.V. (VCI)*
4. *German Industry Federation-Bundesverband der Deutschen Industrie e.V. (BDI)*
5. *International Association for Soaps, Detergents and Maintenance Products (AISE)*
6. *Association of German Paint and printing ink industry - Verband der deutschen Lack-und Druckfarbenindustrie e.V. (VdL)*
7. *Paints industry association (CEPE)*
8. *Downstream users of chemicals coordination group (DUCC)*
9. *European Plastics Converters (EuPC)*

10. *European metals association (Eurometaux)*
11. *EuroCommerce*
12. *European Federation of Waste Management and Environmental Services (FEAD)*
13. *European Chemical Industry Council (CEFIC)*
14. *Fleishman-Hillard*
15. *Titanium Dioxide Industry Consortium (TDIC)*

In your request you ask for a "list of all lobby meetings held (...) with DG Environment (...)". You also ask for specific data that the "list should include". I note that in your request you refer to Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents. We inform you that we do not have such a list and therefore that request does not concern an existing document. Therefore, your request in that regards does not qualify as an application for access to documents under Regulation 1049/2001. Nevertheless we inform you that we have identified the following meetings:

- 22/09/2017: meeting between DG ENV, DG GROW and CEPE
- 19/01/2018: meeting between DG ENV, DG GROW and CEPE
- 18/05/2018: meeting between DG ENV, DG GROW and CEPE
- 13/04/2018: meeting between DG ENV and TDMA

Please note that as "lobby meetings" we interpret bilateral meetings between DG ENV and any of the groups mentioned in your letter and therefore we do not consider included open sessions of CARACAL meetings (Meeting of Competent Authorities for REACH and CLP (CARACAL)). Nevertheless documents submitted by the groups you mentioned in the context of these meetings have been identified as explained below.

Concerning documents submitted to DG ENV by the groups mentioned in your letter, please see also in the Annex to this letter a list of the documents identified. Having examined those documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the following conclusion:

### **1. Full disclosure**

The documents referred to under No 4, 5, 7, 8, 13, 14, 19, 21, 24, 25 and 26 in the attached Annex are disclosed in their entirety.

### **2. Partial disclosure**

The documents referred to under No 1, 2, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 20, 22, 27, 28, 29, 30, 31, 32, 34, 36 and 37 in the attached Annex contain personal data, which have been redacted. 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 data.

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

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.

The documents referred to under No 33 and 35 in the attached Annex contain information protected by Article 4(2) first indent of Regulation (EC) No 1049/2001. For that reason, parts of the document cannot be disclosed as such disclosure would seriously undermine the protection of commercially sensitive information and intellectual property interest of a natural or legal person.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. In your request you do not put forward any arguments demonstrating the existence of an overriding public interest in disclosure. Similarly, we have not identified any public interest that would override the interests protected by Article 4(2) of Regulation 1049/2001.

### **Special remarks**

Please also note that documents entirely or partially disclosed originate from third parties. They are disclosed for information only and cannot be re-used without the agreement of the originator, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Moreover, in particular, documents No 1, 2, 3, 4, 5, 31, 32, 33, 34, 35, 36 and 37 are also covered by the following request made by the third party that is the originator of the documents and subject to those limitations:

"A copy of this information is released on the basis of the Transparency Regulation for the sole use of transparency. The (technical) data or content included should therefore not be misused, published, copied or spread without consent of the author of the document."

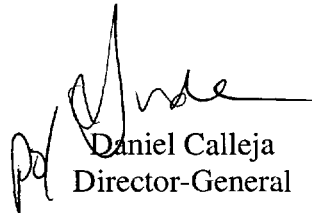
Taking into account that your access to documents request was submitted via AsktheEU.org, sending to you the documents identified by replying to the e-mail address provided would imply that the documents become published, contrary to the specific request of the third party. Therefore we are sending to you these documents exclusively by post.

We have also been asked by the originator of document No 35 to draw you attention to a simple error spotted on slide 15 of that document, and to clarify that Evonik is not the manufacturer company producing this product.

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 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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Daniel Calleja  
Director-General