Brussels,
grow.ddg1.d.2(2018)4467524

By registered letter with acknowledgment of receipt

Vicky Cann
CEO
Rue d'Edimbourg 26
Bruxelles 1050

Advance copy by e-mail: ask+request-5674-fbd9b0c4@asktheeu.org

Dear Ms Cann,

Subject: Your application for access to documents: Ref GestDem No 2018-3299

We refer to your e-mail dated 14/06/2018 in which you make a request for access to documents, registered on 18/06/2018 under the above mentioned reference number. This is the second disclosure of documents concerning your request and a follow-up to our first reply dated 27/07/2018 and registered under reference Ares(2018)3992948.

You request access to "a list of all lobby meetings held by any of the 15 organisations listed below, with DG Grow, since 1 September 2017, where the classification of titanium dioxide (TiO2) 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 (TiO2) by these 15 lobby groups.

I would be very grateful if you would release documents when they are retrieved, rather than waiting until the full reply is ready.

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)
This second disclosure concerns 28 documents (and their attachments) listed in Annex.

In your request you ask for a "list of all lobby meetings held (...) with DG GROW (...)". You also ask for specific data that the "list should include". We 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 and thus 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
- 17/10/2017: meeting between DG GROW and CEFIC (the minutes are attached in the first batch, doc. 22)
- 09/11/2017: telephone conversation between DG GROW and VCI (the notes are attached in the first batch, doc. 23)

1. FULL DISCLOSURE

The documents referred to under 1, 4, 5, 6, 9, 15, 16, 19, 25, 28 in the attached Annex are disclosed in their entirety.

2. PARTIAL DISCLOSURE - PERSONAL DATA PROTECTION

The other documents listed in Annex to which you have requested access contain personal data, in particular names of private persons.

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.

¹ Official Journal L 8 of 12.1.2001, p. 1
When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable\(^2\).

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 a version of the documents requested in which these personal data have been redacted.

3. **Means of redress**

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

Yours sincerely,

[Signature]

Johanna Bernsel  
Acting Head of Unit