



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Acting Director-General

Brussels,
JUST.A3/MS

Ms Lynn Pasterny
Earthsight
The Green House Ethical Properties
244-254 Cambridge Heath Road
E29DA – London
England

Sent by email:
ask+request-9686-e5672f12@asktheeu.org

Dear Ms Pasterny,

Subject: Your application for access to documents – GESTDEM 2021/4219

We refer to your e-mail dated 18 June 2021 in which you make a request for access to documents, registered on 25 June 2021 under the above-mentioned reference number.

You request access to “all documents – including but not limited to correspondence (including email and letters) containing substantive discussion relevant to the meeting topic, attendance lists, agendas, background papers, transcripts, recordings, minutes, notes, and meeting conclusions – relating to the meetings listed below:

1. Meeting between FEDIL - The Voice of Luxembourg's Industry (FEDIL) and Lucrezia Busa, Cabinet member of Didier Reynders and Didier Reynders, Commissioner on 12/01/2021 to discuss due diligence;
2. Meeting between Vereniging VNO-NCW (VNO-NCW) and Didier Reynders, Commissioner and Lucrezia Busa, Cabinet member of Didier Reynders on 12/01/2021 to discuss due diligence;
3. Meeting between Verbond van Belgische Ondernemingen / Federation des Entreprises de Belgique (VBO / FEB) and Didier Reynders, Commissioner and Lucrezia Busa, Cabinet member of Didier Reynders on 12/01/2021 to discuss due diligence;
4. Meeting between European Federation of Jewellery (EFJ) and Geneviève Tuts and Lucrezia Busa, Cabinet members of Didier Reynders on 27/11/2020 to discuss due diligence; and
5. Meeting between Business Europe and Geneviève Tuts and Lucrezia Busa, Cabinet members of Didier Reynders on 19/11/2020 to discuss sustainable corporate governance, due diligence and the upcoming European Consumer Agenda.”

The list of documents, which fall within the scope of your application, is to be found in the annex.

With regard to the documents listed in the annex, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

In your application, you indicate that your address is in the United Kingdom (England). Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation¹.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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.

Please note that in the document No.7 - *(CAB REYNDERS/447) - Business Europe Advice and Support Group meeting*, in the document No. 8 - *Report: Exchange of views of Head of Cabinet Ms Tuts with BusinessEurope's Advisory and Support Group (ASGroup)*, and in the document No. 10 - *Exchange with Business Europe ASG*, also content has been redacted as it was outside the scope of your request, which concerned the "meeting [...] to discuss sustainable corporate governance, due diligence and the upcoming European Consumer Agenda".

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

Please note that documents originating from third parties are 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.

All disclosed meeting reports were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Justice and Consumers. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with the position taken in this letter, 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 within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

According to standard operational procedure, the reply to a request for access to documents is usually sent by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 pandemic, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to: JUST-A3@ec.europa.eu

Yours sincerely,

(e-signed)

Salla SAASTAMOINEN

Enclosure: List of documents that fall within the scope of application GESTDEM
2021/4219

The list of documents, which fall within the scope of application GESTDEM 2021/4219

No.	Date	Title	Ares reference of the document
1.	12 January 2021	(CAB REYNDERS/568) - Cser Reynders - due diligence - Benelux business federations	Ares(2021)4202563
2.	12 January 2021	Flash report from the meeting with the three business federations of the Benelux FEB/VBO, VNO/NCW and FEDIL	Ares(2021)4202563
3.	27 November 2020	(CAB REYNDERS/476) - G Tuts meets with European Federation of Jewellery	Ares(2021)4957416
4.	27 November 2020	Report: virtual meeting with the European Federation of Jewellery on due diligence in the supply chains	Ares(2021)532120
5.	23 September 2020	EFJ FINAL Policy paper on mandatory due diligence	Ares(2021)4858581
6.	23 September 2020	Meeting request from EFJ	Ares(2021)4858581
7.	19 November 2020	(CAB REYNDERS/447) - Business Europe Advice and Support Group meeting	Ares(2021)4958544
8.	19 November 2020	Report: Exchange of views of Head of Cabinet Ms Tuts with BusinessEurope's Advisory and Support Group (ASGroup)	Ares(2021)532582
9.	9 November 2020	Business Europe - ASG Agenda 19 November 2020	Ares(2021)4858566
10.	6 October 2020	Exchange with Business Europe ASG	Ares(2021)4858566