



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1

Mr. Moritz Neujeffski
Heidebrinker Straße 10
13357 Berlin
Germany

By email: ask+request-11809-
6a4df60d@asktheeu.org

Subject: Your application for access to documents – Ref. 2022/5109

Dear Mr. Neujeffski,

We refer to your e-mail of 8 September 2022 in which you make a request for access to documents, to your e-mail of 19 September 2022 clarifying your request, registered on the same day under the above-mentioned reference number, and to your e-mail of 31 October 2022 reducing the scope of your request under a fair solution proposal.

You initially requested access to:

1. *The EU Pilot Document EU PILOT 5815/13/ENTR (Ref.: Ares(2013)3800684)*
2. *The draft Letter of Formal Notice, mentioned on page 3 in the briefing note for Agnieszka Drzewoska (this is the link to the document: [https://urldefense.com/v3/https://www.asktheeu.org/en/request/5226/response/17030/attach/7/3*20050417*20Briefing*20Plastics*20Europe*20on*20BPA*202*20Redacted.pdf;JSUJSUJSU!!DOxrgLBm!A8-n1zj_1e5w02dvW2AsjVHQrOOeGN4IPj7PP7CV_Yu4-G_hNSfwfs3xpfGAA9DfBJVQcLwX2ICwgMUhxm1k0D9lNmhAuZYE-1Xh24oBu4kd\\$](https://urldefense.com/v3/https://www.asktheeu.org/en/request/5226/response/17030/attach/7/3*20050417*20Briefing*20Plastics*20Europe*20on*20BPA*202*20Redacted.pdf;JSUJSUJSU!!DOxrgLBm!A8-n1zj_1e5w02dvW2AsjVHQrOOeGN4IPj7PP7CV_Yu4-G_hNSfwfs3xpfGAA9DfBJVQcLwX2ICwgMUhxm1k0D9lNmhAuZYE-1Xh24oBu4kd$))*
3. *All further communication between PlasticsEurope or any other trade association representing the polymer producers and the European Commission, regarding the French ban of Bisphenol A (BPA) since 2012.*

With the following clarification:

With regards to my third question, the briefing notes for Agnieszka Drzewoska for a meeting with "PlasticsEurope on BPA" show that there have been contacts, discussions and an exchange of information between the Commission and trade association representing the polymer producers such as PlasticEurope regarding the French ban on Bisphenol A (BPA). I am particularly interested in communication between units of DG

GROW and PlasticEurope and other trade association representing the polymer producers, regarding the French ban on Bisphenol A (BPA).

And with the final common agreement on reducing the scope as described below:

Would it reduce the number of documents to a manageable size, if point three is limited only to communication with PlasticsEurope?

We have identified 9 documents that fall within the scope of your request and that are presented in the enclosed table. After assessing these documents under Regulation (EC) No 1049/2001, documents 1 to 8 may be partially released, while document 9 may not be disclosed.

Partial disclosure of documents 1 to 8

A complete disclosure of documents 1 to 8 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, contact information and functions of Commission staff members not pertaining to the senior management;
- the names/initials, contact details and functions of other natural persons.

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.

Non-disclosure of document 9:

Having examined document 9 under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that access to it cannot be granted, as this concerns the *Draft Letter of formal notice - Infringement No 2015/4010*, an internal draft document that does not constitute a final version. Its disclosure is therefore prevented by the exceptions to the right of access laid down in Article 4(3) of this Regulation.

The requested document concerns undecided matters that require giving the Commission a space to think in order not to undermine the institution's decision-making process. The disclosure of this document is therefore prevented by Article 4(3).

The exceptions laid down 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. I have examined whether there

could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Kerstin Jorna
Director-General

Enclosure: 9

¹ <https://www.ec.europa.eu/transparency/documents-request>