



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

The Director-General

Brussels, 22/05/2019  
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grow.ddg1.d2(2019)

Ms Vicky CANN  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
1050 Brussels

*By registered letter with acknowledgment  
of receipt*

*Advance copy by email : [ask+request-  
6652-f87303dc@asktheeu.org](mailto:ask+request-6652-f87303dc@asktheeu.org)*

**Subject: Your application for access to documents – Ref GestDem No 2019/2112**

Dear Madam,

We refer to your e-mail of 19 March 2019 in which you make a request for access to documents, registered on 4 April 2019 under the above mentioned reference number.

You request access to “copies of all stakeholder voluntary pledges received, aimed at boosting the uptake of recycled plastics and meeting the objective to ensure that by 2025 ten million tonnes of recycled plastics find their way into new products on the EU market.”

Your application concerns documents received from more than 70 companies and industry associations (the list of those who agreed with the publication of their name is available at the following link [https://ec.europa.eu/growth/content/european-strategy-plastics-voluntary-pledges\\_en](https://ec.europa.eu/growth/content/european-strategy-plastics-voluntary-pledges_en) ).

These documents contain commercially sensitive business information of the companies that submitted them (such as manufacturing or supply statistics). Their disclosure could undermine the protection of commercial interests of the companies concerned.

Since the documents concerned originate from third parties and contain commercially sensitive information, the originators of the documents have been asked if they agree with the disclosure of their pledges.

*A part of the companies<sup>1</sup> agreed with the disclosure.* estimating that it would not undermine their commercial interests. We are currently finalizing the last technical details to make these pledges available online on the European Circular Economy Stakeholder Platform. This data-base will provide reliable and up-to-date information on the voluntary pledges and will be operational most probably as of 1 June. It will be available at the following link:

<https://circulareconomy.europa.eu/platform/en/commitments>

*As regards the other pledges,* for which we do not have the explicit agreement of the third parties concerned to disclose, following an examination under Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted.

Based on Article 4(2) of the Regulation, the EU institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, unless there is an overriding public interest in disclosure.

Aspects of manufacturing or supply statistics (which are generally not in the public domain) can draw a certain value for a company from not being known. Therefore, the information on the pledges have commercial value, and its disclosure might provoke damage to these parties.

As the pledges contain sensitive information regarding percentages/quantities of purchasing orders within certain timeframes, they should only be disclosed at the consent of the company/organisation, in order to protect commercial interest and competitiveness of the market.

If in the future these companies give us their consent as they consider that their legitimate interests would not be affected by the publication of this data, their pledges will be uploaded in the data-base mentioned before.

We have considered whether partial access could be granted to these documents. But this is not possible as they are entirely covered by the exceptions.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. However, we did not identify such an interest in this case.

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 within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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<sup>1</sup> The companies and industry associations who gave their agreement for the publication of their pledges are the following: Alfred Kärcher SE & Co. KG, Aliplast, Barilla, Confederation of Danish Industries (Dansk Industri), COOP Italia, Danish Brewers Association, Dell, Eceplast, European Plastics Converters (EuPC), Groupe Bel, Hera Spa, HP, Indorama, Kaneka Belgium NV, Lexmark, LIDL, LIPOR (Intermunicipal Waste Management, Porto), Mayansi Circular Plastics SL, Neste Corporation, Nestlé, Petcore Europe, Plastix AS, POLYOLEFIN Circular Economy Platform (PCEP), Styrenics Circular Solutions (SCS), Tetra Pak, Unilever, Vinylplus, Vosläuer Mineralwasser GmbH, WHIRLPOOL

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

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke extending to the right.

Timo Pesonen

