



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.B.1/AS

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Subject: Your application for access to documents – GESTDEM 2021/3006

Dear Ms Balanya,

I refer to your e-mail of 6 May 2021 in which you make a request for access to documents, registered on 7 May 2021 under the above-mentioned reference number.

1. Scope of your request

You request access to:

“1) all correspondence (including email) between 1st January 2021 and 6th May 2021 between Commissioner Simson, Commissioner Timmermans, Commissioner Breton, President van der Leyen, Commissioner McGuinness, Commissioner Gentiloni and/or their cabinets and/or officials from DG Energy, DG Clima, DG Grow, DG Fisma and Secretariat General on one hand and stakeholders on the other, where EU taxonomy for sustainable activities was addressed;

2) minutes of the meetings/videocalls/calls between 1st December 2020 and 6th May 2021 between officials and/or representatives of the European Commission and stakeholders where the issue of EU taxonomy for sustainable activities was addressed”.

Please note that due to the wide scope of your request covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to the relevant Directorates-Generals. This reply relates only to the documents held by DG Internal Market, Industry, Entrepreneurship and SMEs. You will receive the replies from the other respective Directorates-General in due course.

2. Disclosure of the documents

We have identified 67 documents (40 documents and 27 annexes) falling within the scope of your request as listed in the enclosed document register.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that all documents with the exception of document no. 32 can be partially disclosed.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the document disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

Please note that the documents originating from a third party 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 it. The European Commission does not assume any responsibility from the reuse.

3. Protection of personal data

With regard to documents No. 1-31 and 33-40 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;

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, we 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.

4. Protection of commercial interest of a legal person and of the decision-making process of the Commission

Document no. 32 originates from a third party. We have consulted the third party with a view to assessing whether an exception in Article 4 paragraph 1 or 2 of Regulation (EC)

1049/2001 is applicable and the third party has objected to release the document. The document contains commercially sensitive information that if disclosed would undermine the protection of commercial interests of the third party. We have considered whether partial access could be granted to the document and we concluded that it is not possible to grant access to an expunged version of the document as the remaining parts after expunging the confidential information might be meaningless or illegible.

Finally, having examined the documents no. 10, 13, 22 and 27, we have come to the conclusion that they may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(2) and in Article 4(3) first subparagraph of Regulation (EC) 1049/2001.

The redacted parts of the documents no 10, 13 and 22 contain commercially sensitive information. Disclosure of these parts would undermine the protection of commercial interests of the third party. In addition, the redacted part of document no. 27 relates to the decision-making process of the Commission which, if disclosed, would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to parts of this document.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

5. Means of redress

In case you would disagree with this position, 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

Sincerely yours,

Electronically signed

Kerstin JORNA
Director-General