



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 2021/3130

Dear Ms Verheecke,

We refer to your e-mail of 12 May 2021 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to: *“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) and the meeting minutes/notes relating to the meeting between Joan Canton and L’Oreal on 16th April 2021”*.

We have identified the following 4 documents falling within the scope of your request all registered under Ref. Ares(2021)2618880.

1. L’Oréal overview
2. L’Oréal background
3. L’Oréal Green Consumption Pledge
4. Minutes of the meeting with L’Oréal of 16 April 2021

1. DISCLOSURE OF THE DOCUMENTS 1, 2 AND 3

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that documents no. 1, 2 and 3 may be disclosed in their entirety.

These three documents originate from a third party. We can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4,

paragraph 4 of Regulation 1049/2001 the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the document.

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 document 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.

2. NON-DISCLOSURE OF DOCUMENT 4

Following an examination of the document no. 4 “*Minutes of the meeting with L’Oréal of 16 April 2021*” and taking into account the opinion of the third party, we regret to inform you that access to this document cannot be granted. The disclosure of this document is prevented by the exceptions to the right of access laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001.

The information contained in the documents constitute commercial confidential information the disclosure of which would affect the company’s competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

Moreover, the document relates to a matter where the Commission has not yet taken a decision and its disclosure would seriously undermine the decision-making process of the Commission, as it would reveal preliminary views that 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 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 that we have not been able to identify such an interest.

We have considered whether partial access could be granted to the document. We concluded that it is not possible to grant access to an expunged version of the document as the remaining parts after removing the confidential information might be meaningless or illegible.

3. 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