



EUROPEAN COMMISSION

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

The Director-General

Brussels

GROW.G.2/ADG/ir(2021)6922330

Mr. Lynn Pasterny
Earthsight
Heath Road, E29DA, London
United Kingdom

Email: lynnpasterny@earthsight.org.uk

Subject: Your application for access to documents – Ref GestDem No 2021/5691

Dear Ms Pasterny,

We refer to your e-mail dated 22/09/2021 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: *“Meeting attendance lists, meeting agendas, background papers, meeting minutes, and meeting conclusions from the time period October 2020 to the present relating to discussions (1) within DG GROW, (2) between DG GROW and DG JUST, and (3) between DG GROW and industry members/associations about the decision that the upcoming proposal on EU sustainable corporate governance rules will no longer be supervised exclusively by Justice Commissioner Didier Reynders, but is now taken forward by Commissioner Reynders and Internal Market Commissioner Thierry Breton”*.

Please note that due to the wide scope of your request, covering also areas falling under the co-responsibility of other Directorates-General, this reply relates only to the documents held by DG GROW. You will receive the replies from the other concerned Directorates-General in due course.

Your application concerns the following document: Ares(2021)6112880.

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The document which you seek to obtain relates to a decision which has not yet been taken by the Commission.

Disclosure of the document requested would undermine the protection of the decision-making process of the Commission, as it 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 this document.

We have considered whether partial access could be granted to the document requested. However, it is not possible to grant access to an expunged version of the document in question in accordance to exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001.

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.

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:

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 sincerely,

(electronically signed)
Kerstin Jorna