



EUROPEAN COMMISSION

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

The Director-General

Brussels,
GROW/F1/KH/nt
grow.f.1(2021) 6732629

Mr Matias Gadaleta
ask+request-9850-93aeeca6@asktheeu.org

Subject: Your application for access to documents
Ref GestDem No 2021/5105

Dear Mr Gadaleta,

We refer to your email of 17/08/2021 in which you make a request for access to documents, registered on 19/08/2021 under the above-mentioned reference number.

Your application was as follows:

“For the period between 1 January 2011 to 31 December 2016:

- a list of all lobby and industry meetings and/or calls held by the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, including any Cabinet Members and/or officials, during which “PFAS” and/or “C604” and/or “PFOA” and/or “GenX” were discussed. The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;*
- all minutes and other reports of these meetings and/or calls;*
- all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place.*
- all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “PFAS” and/or “C604” and/or “PFOA” and/or “GenX”.”*

We have identified 41 documents falling in the scope of your request. Please see the details in the attached document register.

Please note that since some of the documents listed in the attached document register also originate from a third party, the originators have been consulted.

We would like to inform you that the documents originating from third parties listed in the annex to document 19 are not readable and could not be retrieved, with the exception

of the first document originating from ANIE Federazione, which is listed as document 20 in the attached document register.

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 7, 28, 38 and 40, listed in the attached document register, can be fully disclosed.
- Document 34, listed in the attached document register, can be fully disclosed as it is publicly available.
- Documents 8, 10 and 36, listed in the attached document register, may be partially disclosed. The third parties concerned have been consulted and they informed the Commission that these documents contain sensitive commercial information which if disclosed could be detrimental for their company. Consequently, 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) first indent of this Regulation. 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. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

Furthermore, please note that some parts of the documents 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36, 37, 39 and 41 contain personal data, which have been redacted.

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 it contains the following personal data: the names/initials and contact information of staff members not pertaining to the senior management.

Article 9(1)(b) of the Data Protection Regulation¹ 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 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 document, 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.

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

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 Secretariat-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,

(e-sign)
Kerstin Jorna

Encl.: Document register
41 documents (partially) disclosed