



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.G.2

Ms Vicky Cann
CEO
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1050 BRUXELLES

By email: ask+request-10367-
375e5933@asktheeu.org

Subject: Your requests for access to documents - GestDem 2021/8083

Dear Ms Cann,

We refer to your request for access to documents pursuant to Regulation (EC) No 1049/2001, which was registered on 14.12.2021 under the reference mentioned above.

As we stated in our reply of 23.02.2022, concerning two mail exchanges, five minutes and seven position papers, stakeholders have been additionally consulted under Regulation 1049/2001 for their agreement on disclosing the position papers and the potentially sensitive information in the emails and minutes.

We are sending you the concerned documents, following stakeholders' consultation.

Three documents are enclosed:

Document 1 – additional email exchanges:

- Email 02/07/2021 - H&M
- Email 02/07/2021 – Responsible Business Alliance

Document 2 – additional minutes:

- Minutes 23/06/2021 - H&M
- Minutes 25/06/2021 - Adidas
- Minutes 01/07/2021 - Unilever
- Minutes 08/09/2021 - Zalando
- Minutes 09/09/2021 – Rehau

Document 3 – additional position papers:

- Position on the sustainable corporate governance proposal (French Banking Federation).
- “This is Zalando. The Starting Point for Fashion” (Zalando).
- Position Paper: Mandatory due diligence (European Federation of Jewellery)
- Towards mandatory due diligence considering the jewellery and diamond sector specificities (European Federation of Jewellery).

- Core Electrical Industry Requirements for the EU Provisions on Due Diligence Obligations in Supply Chains (German Electrical Industry).
- Policy paper (COMMERZBANK).
- Corporate Due Diligence Rules at EU Level - position on EU supply chain legislation (vzbv).

Protection of privacy and integrity of individuals

Parts of Document 1 and 2 are covered by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- Names, functions and contact information of other natural persons.

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 any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, I conclude that, pursuant to Article 4(1)(b) Regulation 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.

Consequently, personal data is redacted in the identified documents.

Reuse of documents

Please note that position papers originating from third parties 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 position papers without the agreement of the originators, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

The minutes were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on the contents. They do not reflect the position of the Commission and cannot be quoted as such.

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.

Means of redress:

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,

Electronically signed

Kerstin Jorna
Director General

Enclosures:

- 1) Document 1
- 2) Document 2
- 3) Document 3