



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy
ENV.B.2 – Safe and Sustainable Chemicals

Brussels,
ENV.B.2

Laura Döring
1 Long Lane
Borough
London
UK

By email:

ask+request-11211-dd21ddb0@asktheeu.org

Dear Ms Döring,

Subject: Your application for access to documents: Ref GestDem No 2022/2617

We refer to your request for access to documents dated 06/05/2022 and registered under the above-mentioned reference number as well as to our holding reply Ares(2022)4193184 – 07/06/2022. We apologise for the delay in our reply and for any inconvenience this may have caused.

You requested access to the following:

“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meetings listed below:

1. Between Henkel AG & Co. KGaA and Florika FinkHooijer, Director General on 13/10/2021 2. Between Henkel AG & Co. KGaA and Rozalina Petrova, Cabinet member of Virginijus Sinkevičius on 06/05/2020”.

Your application concerns the following documents:

- Briefing note for the meeting between the Director-General for the Environment and representatives of Henkel on 13/10/2021;
- Meeting report of the meeting between the Director-General for the Environment and representatives of Henkel on 13/10/2021

With regard to both documents listed above, 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 and contact information of Commission staff members not pertaining to the senior management

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation¹.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out. Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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 put forward any 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 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.

Please also note that these documents were drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Environment. They solely reflect the authors' 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 its content. They do not reflect the position of the Commission and cannot be quoted as such.

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

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.

B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Cristina de Avila
Head of Unit