



EUROPEAN COMMISSION

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

The Director-General

Brussels
GROW.B.1

Mr. Olivier Petitjean
2 impasse Delaunay,
75011 Paris
France

By email: [ask+request-11756-
125b8088@asktheeu.org](mailto:ask+request-11756-125b8088@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2022/4782

Dear Sir,

We refer to your e-mail of 20 August 2022 in which you make a request for access to documents, registered on 24 August 2022 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, recordings and minutes/notes) relating to the meetings listed below:*

- 1. Between Joan Canton (Cabinet member) and Cefic on 14 June 2022.*
- 2. Between Thierry Breton and Engie on 22 March 2022.*
- 3. Between Joan Canton (Cabinet member) and Cefic on 25 October 2021.*
- 4. Between Kerstin Jorna (Director-General) and PlasticsEurope on 21 September 2021.*
- 5. Between Thierry Breton and various companies and groups including Covestro and Solvay on 5 May 2021.*
- 6. Between Thierry Breton and various companies and groups including BASF and Cefic on 24 March 2021.*
- 7. Between Kerstin Jorna (Director-General) and Cefic on 22 January 2021.*
- 8. Between Kerstin Jorna (Director-General) and Cefic on 1st December 2020.*
- 9. Between Lyon Dell Basell and Grzegorz Radziejewski and Rolf Carsten Bermig (Cabinet members) on 23 January 2019.*

With regards to the points 1, 2, 3, 5, 6 and 9 of your request, we regret to inform you that the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) does not hold any documents that would correspond to the description given in your application.

We have identified the seven enclosed documents that fall within the scope of your request and are presented in the enclosed table. They correspond to the meetings listed above under the points 3, 7 and 8 of your request. These documents can be partially released.

Protection of personal data for all identified documents

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

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 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.

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.

Protection of decision-making for Documents 2 and 3

In addition, the disclosure of parts of the Documents 2 and 3 listed in the attached table is prevented by the exception concerning the protection of the ongoing decision-making process outlined in Article 4(3) of Regulation (EC) No 1049/2001.

The two documents contain internal preliminary views and reflections of the Commission concerning upcoming legislative initiatives. Disclosing these preliminary views would deter the Commission from freely expressing its opinions and having frank, internal discussions on the legislative initiatives. The disclosure of these preliminary views and reflections would seriously undermine ongoing decision-making processes. Therefore, Article 4(3) of the Regulation applies.

The exception laid down in Article 4(3) of Regulation 1049/2001 apply, unless there is an overriding public interest in the full disclosure of documents. We have examined whether there could be an overriding public interest in the full disclosure of Documents 2 and 3, but we have not been able to identify such an interest.

Please note that the minutes were drawn up for internal use under the responsibility of the relevant services of the Directorate General for the Internal Market, Industry, Entrepreneurship and SMEs. 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 minutes refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

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 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

e-signed

Kerstin Jorna
Director-General

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