



EUROPEAN COMMISSION
REGULATORY SCRUTINY BOARD

Chair

Brussels,
RSB/RM/HM - sg.c.1(2023)217945

Ms Vicky Cann
CEO
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By email only:
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Subject: Your request for access to documents – Ref EASE No 2022/7259

Dear Ms Cann,

We refer to your e-mail of 15 December 2022 in which you make a request for access to documents, registered under the above-mentioned reference number.

You have requested the following documents:

- a) The minutes / notes of proceedings of any 'upstream' meetings (including those held online) between the Regulatory Scrutiny Board and Commission officials on the CLP revision proposal;
- b) A list of all meetings (including those held online) attended by members of the Regulatory Scrutiny Board with external stakeholders, including on the CLP revision plus agendas, minutes / notes of proceedings of these meetings. You note that the list of 2022 meetings between members of the Regulatory Scrutiny Board and any 'stakeholders' can be found here: [https://commission.europa.eu/document/download/82734f3d-c5ba-406c-bc46-207f5e8101f8_en?filename=rsb - meetings of board members 2022_en.pdf](https://commission.europa.eu/document/download/82734f3d-c5ba-406c-bc46-207f5e8101f8_en?filename=rsb_-_meetings_of_board_members_2022_en.pdf) and that the last meeting reported was 9 September 2022. You question if this document is up to date and how often this pdf is updated. You would like to receive a complete list of all meetings to date for 2022, plus the relevant minutes listed above.
- c) All correspondence (including emails, letters, and attached documents, SMS and any other type of messages processed through phone apps – e.g. WhatsApp, Signal, Telegram etc., recorded voice messages) exchanged between Members of the Regulatory Scrutiny Board and external stakeholders on the CLP revision.

Regarding point a), we have identified the minutes of the upstream meeting of 6 October 2021 as corresponding to your request (registration number ARES(2022)8926381). However, a complete disclosure of the identified document 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 names of Commission staff members not pertaining to the senior management.

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 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.

Regarding points b) and c) of your request, the members of the Regulatory Scrutiny Board do not engage with stakeholders on individual files, in line with the decision establishing it¹. Thus, they have had no meetings with external stakeholders regarding the CLP revision and did not exchange any correspondence with external stakeholders on the same topic.

Regarding your additional request under point b), the list of 2022 meetings of the Regulatory Scrutiny Board members is regularly updated. Given that few meetings occur, this list is usually updated bimonthly. It now includes the last meeting of 2022 on 28 November and can be found on this website https://commission.europa.eu/law/law-making-process/regulatory-scrutiny-board_en. No agendas, minutes / notes of proceedings of these meetings, which have a general nature on the role and mission of the Regulatory Scrutiny Board, are prepared. As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

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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:

¹ P (2020) 2

European Commission
Secretariat-General
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Yours sincerely,

Electronically signed

Rytis Martikonis