



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels,
ENV/B.2

Francesca Cicculi
Via Fosso dell'Acqua Mariana 23
Rome 00118
Italy

*Sent by email with acknowledgement
of receipt:*

[ask+request-9853-
9bfc471e@asktheeu.org](mailto:ask+request-9853-9bfc471e@asktheeu.org)

**Subject: Your application for access to documents- Ref GestDem No
2021/5083**

Dear Ms Cicculi,

We refer to your access to documents request registered under the above-mentioned reference number. We would like to sincerely apologise for the delay in our reply.

You requested access to: “... *For the period between 1 January 2017 to date:*

- a list of all lobby and industry meetings and/or calls held by the Directorate-General for Environment, 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 Environment, 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”.

Please see in the Annex to this letter a list of the **80** documents in the scope of your request that fall under the responsibility of DG Environment, arranged in chronological order. Among these documents, documents under numbers **5, 6, 7, 8, 9, 10, 11, 22, 24, 33, 34, 40, 61, 67, 72, and 78**, also fall under the responsibility of DG GROW, to which

you also sent a similar request, registered under Gestdem No 2021/5104, and regarding which the reply has been provided to you (Ares(2021)6172447). We note that the specific above-mentioned documents were also identified by DG GROW in that reply, therefore we refer you to the latter.

Having examined the remaining documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, we have come to the following conclusions:

We enclose copies of the documents referred to under numbers **14, 17, 19, 28, 29, 31, 44, 53, 63, and 71** in the attached Annex, which are disclosed in their entirety. Please note that these documents originate from third parties that have been consulted for the disclosure or they are publically available, they are disclosed for information only, and cannot be re-used without the agreement of the originators, who may hold an intellectual property right on them. They do not reflect the position of the Commission and cannot be quoted as such. The Commission does not assume any responsibility from their reuse.

With regard to the document **42**, I regret to inform you that access to it cannot be granted. Since this document originates from a third party, the originator of the document has been consulted. Following an examination of this document under the provisions of Regulation (EC) No 1049/2001 and taking into account the opinion of the third party, disclosure of the entire document is prevented by the exceptions to the right of access laid down in Article 4(2), first indent, and Article 4(2), second indent, of Regulation (EC) No 1049/2001. The originator of the document has objected to its disclosure as a whole and has motivated their objection by invoking, first, the exception concerning the protection of commercial interests of a natural or legal person, including intellectual property, arguing that its disclosure would undermine the commercial interests of the originator and of its clients. Second, the originator invoked the exception concerning the protection of court proceedings and legal advice, arguing that its disclosure would undermine this protection. Pursuant to Article 4(6) of Regulation (EC) No 1049/2001, we have examined the possibility of granting partial access to the document in question. However, the document is covered in its entirety by the exceptions of 4(2), first indent, and 4(2), second indent, of Regulation (EC) No 1049/2001. Consequently, access to it has to be refused.

With regard to the documents **1, 2, 3, 4, 12, 13, 15, 16, 18, 20, 21, 23, 25, 26, 27, 30, 32, 35, 36, 37, 38, 39, 41, 43, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 68, 69, 70, 73, 74, 75, 76, 79, and 80**, 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:

- names of natural persons
- handwritten signatures
- various contact details, including phone numbers and email addresses

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.

In addition, with regard to the above-mentioned documents **38, 74** and **77**, I have come to the conclusion that some additional parts of them have to be blanked out, as their disclosure is prevented by the exception to the right of access laid down in Article 4(2), first indent, of Regulation (EC) No 1049/2001. Since these documents originate from third parties, the latter have been consulted. Following an examination of these documents under the provisions of Regulation (EC) No 1049/2001 and taking into account the opinions of the third parties, disclosure of the additionally redacted parts is prevented by the exception concerning the protection of commercial interests of a natural or legal person, including intellectual property. In particular, the originators of the documents argued that specific information contained in them is highly confidential, claiming that its disclosure would undermine the commercial interests of the originators and/or of their clients.

Regarding the partially disclosed documents 38, 74, and 77, as well as the previously mentioned document 42 that is not disclosed in its entirety, the exceptions laid down in Article 4(2) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure. In your request, you do not put forward any arguments demonstrating the existence of an overriding public interest in disclosure. Similarly, we have not identified any public interest that would override the interests protected by Article 4(2), first indent, and Article 4(2), second indent, of Regulation 1049/2001.

Please also note as regards all the partially disclosed documents that originate from third parties, that the latter have been consulted on their disclosure or the documents are publically available, they are disclosed for information only, and cannot be re-used without the agreement of the originators, who may hold an intellectual property right on them. They do not reflect the position of the Commission and cannot be quoted as such. The Commission does not assume any responsibility from their reuse.

Finally, please note as regards the documents that originate from the Commission, that these documents are drafts, which 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 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,

eSigned
Florika FINK-HOOIJER

Encl.:
Annexes : Document register
Disclosed documents