



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Acting Director General

Brussels,
JUST.A3/MS/cp Ares(2021)1384965

Mr Olivier Hoedeman
Rue d'Edimbourg 26,
1050 Brussels
Belgium

Sent by email:
ask+request-8319-22e706de@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/0058

Dear Mr Hoedeman,

We refer to your e-mail of 21 December 2020 in which you make a request for access to documents, registered on 05 January 2020 under the above mentioned reference number.

You request access to:

- all reports (and other notes) from meetings with representatives of companies, lobby groups (such as BusinessEurope, Bundesverband der Deutschen Industrie, CSR Europe and others), consultancies and think-tanks about the European Commission's initiative on sustainable corporate governance and issues around EU corporate due diligence legislation more generally (since 1 May 2020).
- all correspondence (including emails and their attachments) with representatives of companies, lobby groups, consultancies and think-tanks about the European Commission's initiative on sustainable corporate governance and issues around EU corporate due diligence legislation more generally (since 1 May 2020).
- a list of all the above-mentioned documents (including dates, names of participants/senders/recipients and their affiliation, subject of meeting/correspondence).

I consider your request to cover documents held up to the date of your initial application, i.e. 21 December 2020. Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General¹. This reply relates only to the documents held by Directorate-General for Justice and Consumers. You received the replies from the other respective Directorates-General.

¹ GESTDEM 2021/0058, DG TRADE, DG GROW, DG EMPL

A list with the documents falling within the scope of your application is to be found in the annex.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exception concerning the protection of privacy and the integrity of the individual laid down in Article 4(1)(b) of this Regulation, because they contain the following personal data:

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

Concerning doc. N. 24, it contains information on specific civil liability issues of the company that participated in the meeting. Article 4(2), first indent of Regulation 1049/2001 stipulates that '[t]he institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, [...] unless there is an overriding public interest in disclosure.' As we could not identify any overriding public interest, the information in question has been redacted as related to the protection of commercial interests of a legal person.

Please note that in doc. N. 22 and 27, also content has been redacted as it was outside the scope of your request which concerned "the European Commission's initiative on sustainable corporate governance and issues around EU corporate due diligence legislation more generally.

Please note that documents 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 documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please note that minutes or summary records of meetings with external parties were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Justice. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does 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

According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could **confirm receipt of the present e-mail by replying to JUST-A3@ec.europa.eu**.

Yours sincerely,

(e-signed)
Salla SAASTAMOINEN

Annex: A list with the documents falling within the scope of your application

A list with the documents falling within the scope of your application

Ares reference	Title
Ares(2020)2616972	Letter from Bayer AG re their commitment to European Human Rights Supply Chain Law
Ares(2020)2315290	Query on corporate social responsibility strategy and non-binding guidelines under Directive 2017/828
Ares(2020)2648397	[Re] Query on corporate social responsibility strategy and non-binding guidelines under Directive 2017/828
Ares(2020)2908149	Joint statement on responsible business conduct
Ares(2020)3118566	RE: Joint statement on responsible business conduct
Ares(2020)3921155	New report on Shell's oil pollution in Nigeria and request for a meeting to discuss EU due diligence legislation
Ares(2020)3924545	Letter from BusinessEurope Director General on Due Diligence and Sustainable Corporate Governance
Ares(2020)4662360	Sustainable corporate governance - Danone's inputs
Ares(2020)4754222	More Supply Chain Transparency - Mars Publicly disclosing our Tier 2 cocoa farmer groups (interactive Cocoa Farmer Organizations Map)
Ares(2020)5379117	New briefing: A vision for sustainable finance in Europe
Ares(2020)5562008	Letter from BusinessEurope Director General on Due Diligence and Sustainable Corporate Governance: follow up video-call
Ares(2021)532582	Report: Exchange of views of Head of Cabinet Ms Tuts with BusinessEurope's Advisory and Support Group (ASGroup)
Ares(2020)6344342	Due diligence - H&M Group's approach
Ares(2020)6596609	Request for exchange of views on due diligence: suggestion for introduction of incentives for countries of origin / companies / local communities
Ares(2020)6809560	Study on the latest climate and environmental disclosures of 300 companies
Ares(2020)7080566	Internal summary CFS+ due diligence roundtable
Ares(2020)7278465	FW: Invitation CFS+ Roundtable on due diligence in apparel and footwear
Ares(2020)7399139	Business for Inclusive Growth (B4IG) - Statement on Human Rights

Ares(2020)7424092	[Re] Business for Inclusive Growth (B4IG) - Statement on Human Rights
Ares(2020)7579841	ALERT Swedish Business Policy Brief - Sustainable Corporate Governance
Ares(2020)7152235	Flash report: call with (EY) on sustainable corporate governance
Ares(2020)5172455	Virtual meeting of Commissioner Reynders with DE industry association BDI
Ares(2020)5158933	Flash report on the meeting with EuroCommerce on sustainable corporate governance initiative
Ares(2020)4447557	Flash report: Meeting on “Mandatory due diligence” with Total
Ares(2020)4029948	FW: Supply Chain Act - holding reply
Ares(2020)2847347	Flash report: Meeting with the European Cocoa Association (ECA) on sustainable corporate governance
Ares(2020)2741465	Flash report: Meeting xx and xx
Ares(2021)1319028	RE: EU Human Rights Due Diligence - contribution to the debate by AIM - European Brands Association
Ares(2021)1318898	RE: CSR Europe invitation - Webinar Making Human Rights Due Diligence Work
Ares(2021)1318818	RE: Business and biodiversity - Invitation keynote UBi 2020: Digital Dialog
Ares(2021)1318999	RE: Golden Agri-Resources: meeting request on sustainable corporate governance
Ares(2021)1318006	RE: Rewe - Request for exchange of views on due diligence: suggestion for introduction of incentives for countries of origin / companies / local communities
Ares(2021)1318621	RE: Medline Industries - request for a meeting
Ares(2021)1317948	RE: FERMA - request for a meeting
Ares(2021)1317903	RE: Invitation to speak at Interel event on Corporate Due Diligence
Ares(2021)1317525	RE: McLarty Associates - request for a meeting
Ares(2021)1316655	RE: Upcoming publication of the NORC report on child labour in cocoa growing areas of Ghana and Ivory Coast
Ares(2021)1317458	RE: Invitation to Speak at the EuropeanIssuers Capital Markets Webinar on SRDII

Ares(2021)1317577	RE: Sustainable corporate governance and due diligence webinar – invitation to speak - Hanover Communications
Ares(2021)1317634	AFME White Paper on the transition to sustainable finance and invitation to speak at webinar
Ares(2021)1317663	RE: AFME White Paper on the transition to sustainable finance and invitation to speak at webinar in October
Ares(2021)1317745	Afore - Invitation to Speak on Supply Chain Due Diligence
Ares(2021)1317707	RE: Afore - Invitation to Speak on Supply Chain Due Diligence
Ares(2021)1315477	RE: Virtual meeting request - Nokia
Ares(2021)1315364	RE: INVITATION for a speaker - FTI Consulting webinar: Sustainable textiles: the need for change
Ares(2021)1315416	RE: IIGCC Net Zero Investment Framework -Summary for Policymakers
Ares(2021)1303152	RE: C&A meeting request – Sustainable Corporate Governance