



EUROPEAN COMMISSION
REGULATORY SCRUTINY BOARD

Chair

Brussels,
RSB/RM

Vicky Cann
CEO
Rue d'Edimbourg 26
B 1050

Subject: Your application for access to documents (EASE No 2023/5658)

Dear Ms Cann,

We refer to your request for access to European Commission documents registered on 28/09/2023 under the above-mentioned reference number.

You request full access to the following documents:

- *any impact assessments on the Reach revision submitted to the Regulatory Scrutiny Board (RSB);*
- *all RSB opinions on these impact assessments.*

We note that you have requested access to the same documents on 25 November 2022, registered under case number EASE 2022/6860. The European Commission replied to that request on 13 January 2023, reference Ares (2023)249099. It granted partial access to the documents requested, based on the exception of Article 4(3) of Regulation (EC) No 1049/2001.

We also note that you have submitted confirmatory application concerning the reply for case 2022/6860, registered on 19 January 2023. The European Commission replied to that confirmatory application on 04 July 2023, reference Ares (2023)4642849. In that reply, it confirmed the initial decision of the Regulatory Scrutiny Board to refuse further access, based on the exceptions of the first subparagraph of Article 4(3) (protection of the decision-making process) and of the first indent of Article 4(2) (protection of commercial interests) of Regulation (EC) No 1049/2001.

In your new request for access to the same documents, you do not put forward any change in the legal or factual situation since the refusal of the Commission to grant further access to the requested documents stipulated in that decision.

After careful examination, we concluded that the legal and factual circumstances justifying that partial refusal have not changed. Therefore, the earlier decision remains justified in the light of the current legal and factual situation.

Consequently, we refer you to the above-mentioned decision of the Commission of 04 July 2023, reference Ares (2023)4642849. That decision concludes that access to the documents you request can be only partially granted, based on the exceptions of Article 4(2) and Article 4(3) of Regulation (EC) No 1049/2001.

As regards the Recommendation of the European Ombudsman (case 1053/2023/MIK), the Commission is currently examining the recommendation and will reply accordingly in due time.

Should you disagree with the present decision, you are entitled to submit a confirmatory application requesting the Commission to review this position, in accordance with Article 7(2) of Regulation (EC) No 1049/2001. Nevertheless, we would like to draw your attention to the fact that the confirmatory review against this reply will focus on the question whether there are any additional legal and factual circumstances requiring the adoption of a new decision by the Commission.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it

[for initial requests submitted via the EASE portal] **via your EASE portal¹ account,**

[for initial requests not submitted via the EASE portal]

by mail, to:

European Commission
Secretary-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 sincerely,

Electronically signed

Rytis MARTIKONIS

¹ <https://www.ec.europa.eu/transparency/documents-request>