



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate A: Civil and Commercial justice
Unit A.3: Company law

Head of Unit

Brussels,
JUST.A3/cp Ares(2022)5027159

Ms Laura Döring
1 Long Lane
Borough
London

Sent by email:

ask+request-11209-f9c7ca26@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/2605

Dear Ms Döring,

We refer to your e-mail of 6 May 2022 in which you make a request for access to documents, registered on 10 May 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 BASF and Didier Reynders, Commissioner and Lucrezia Busa, Cabinet member of Didier Reynders on 08/09/2021.”

Your application concerns the following documents:

1. Ares(2022)4639929_RE rencontre du Cefic avec le Commissaire Reynders 89 1730;
2. Ares(2021)5604108_Report on the meeting between Commissioner Reynders and European Chemical Industry Council (Cefic) and BASF, 8 September 2021.

With regard to the redacted documents, a complete disclosure 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 and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person.

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA) are regulated under Chapter V of the Data Protection Regulation (in footnote: Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39).

According to Article 47(1) of this Regulation, a transfer of personal data to a third country may take place where the Commission has decided that the third country in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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.

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

As regards meeting minutes or summary records of meetings with external parties, these documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Justice and Consumers. 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 documents refer, which were not consulted on their content. They do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

This reply is sent to you via email only and we would appreciate if you could confirm receipt of the present e-mail by replying to JUST-A3@ec.europa.eu.

Yours sincerely,

Maija LAURILA
(*e-signed*)

Annexes: 2