



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels,
GROW/F1
grow.f.1(2023) 5214043

Ms Vicky Cann
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**Subject: Your application for access to documents
Ref EASE 2023/2045**

Dear Ms Cann,

We refer to your email of 31/03/2023, in which you make a request for access to documents, registered on 03/04/2023 under the above-mentioned reference number.

Your application was as follows:

“Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I would like to request access to the following documents related to lobbying on PFAS, per and polyfluoroalkyl substances. In particular I would like:

- 1. A list of all meetings/ discussions since 1 April 2022 between officials and or Commissioners with businesses, trade associations, or think tanks where this topic was discussed.*
- 2. Any records, minutes or notes of these meetings/discussions.*
- 3. All correspondence since 1 April 2022, where this topic was discussed, exchanged between officials and or Commissioners with businesses, trade associations, or think tanks.*

To the extent possible, my strong preference is to receive documents in electronic format. I would also be grateful to receive the documents in batches, as soon as they are identified and available to send.

Please note that I am tabling this request separately to DG Grow, DG Environment, and the Secretariat-General of the Commission and I look forward to receiving the respective documents accordingly.”

Please note that due to the scope of your request covering also areas falling under the responsibility of other Directorates-General, this reply relates only to the documents held by DG Internal Market, Industry, Entrepreneurship and SMEs. You will receive the replies from the other respective Directorates-General in due course.

We have identified 31 documents falling in the scope of your request. Please see the details in the attached document register.

Please note that, since some of the documents listed in the attached document register also originate from third parties, the originators have been consulted.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that:

- Documents 16 and 29 can be fully disclosed.
- Parts of documents 3 and 9 have been blacked out as their content is out of the scope of your request.

Protection of commercial interests:

- Documents 10 and 27 may be partially disclosed.

The third parties concerned have been consulted and have informed the Commission that full disclosure of this document would undermine the protection of commercial interests. Consequently, some parts of the document have been blacked 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.

- Disclosure is refused for documents 22, 23 and 28.

The third parties concerned have been consulted and have informed the Commission that the disclosure of these documents would undermine the protection of commercial interests. Consequently, disclosure of these documents is refused 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.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply, unless there is an overriding public interest in the disclosure of documents. We have examined whether there could be an overriding public interest in the disclosure of documents 22, 23 and 28, as well as the relevant parts of documents 10 and 27, but we have not been able to identify such an interest.

Protection of personal data:

Finally, some parts of documents 1 to 15, 17 to 21, 24 to 27, 30 and 31 contain personal data that have been redacted.

A complete disclosure of these 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: the names/initials and contact information of staff members not pertaining to the senior management, and the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation¹ 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

¹ 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,

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 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 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,

(e-sign)
Kerstin Jorna

Encl.: Document register
28 documents (partially) disclosed