



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

The Director-General

Brussels
GROW.B.1

Ms. Fanny BUFFIN
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United Kingdom
By email: [REDACTED] [@asktheeu.org](mailto:[REDACTED]@asktheeu.org)

Subject: Your application for access to documents – EASE 2023/5816 – part one

Dear Ms. Buffin,

We refer to your e-mail of 3 October 2023 in which you make a request for access to documents, registered on 4 October 2023 under the above-mentioned reference number.

You requested access to documents “*related to lobbying, since 1 January 2023, on the following files:*

1. *Restriction of PFAS, per and polyfluoroalkyl substances under the REACH Regulation;*
2. *Regulation of D4 (Octamethylcyclotetrasiloxane) under the POPs Regulation and under the authorisation title of the REACH Regulation;*
3. *Regulation of D5 (Decamethylcyclopentasiloxane) under the POPs Regulation and under the authorisation title of the REACH Regulation;*
4. *Classification of lithium salts under the CLP Regulation (...).”*

Following our fair solution proposal sent to you on 7 November 2023, you accepted – on 14 November 2023 - to limit the scope of your request only to documents concerning the *restriction of PFAS, per and polyfluoroalkyl substances under the REACH Regulation.*

We have identified **74** documents that fall within the scope of your request. Considering the large number of documents, we will provide you with the reply in two parts.

You will find the list of first **37** identified documents in the table enclosed to this letter. Please note that out of those, **7** documents are publicly available. Links are provided in the table.

Following the examination of the identified documents under the provisions of Regulation (EC) N° 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted with reference to minutes of the meeting concerning FPP4EU Collaboration Platform [document Ares(2023)4604058], as their disclosure is prevented by the exception to the right of access laid down in Article 4(2) first indent of the Regulation.

The disclosure could infringe the third parties' commercial interests, including intellectual property and in consequence influence their market position and growth potential.

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:

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

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.

Please note that the enclosed minutes were drawn up for internal use under the responsibility of the concerned services. They solely reflect the service's 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 its content. They 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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal ⁽¹⁾ account (available only for initial requests submitted via the portal account),

or by mail:

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

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: [REDACTED]@ec.europa.eu

Yours sincerely,

Kerstin JORNA
Director-General
(electronically signed)

Enclosures: **30**