



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

The Director-General

Brussels
GROW/F.1
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Subject: Your application for access to documents – EASE 2024/3939

Dear Ms Cann,

We refer to your e-mail of 19 July 2024 in which you make a request for access to documents, registered on 23 July 2024 under the above-mentioned reference number.

You requested was the following:

“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 26 January 2024 between officials and or Commissioners with businesses, trade associations, or think tanks where this topic was discussed.*
- 2. Any records, minutes, preparatory briefings, or other notes of these meetings/discussions.*
- 3. All correspondence since my last request of 26 January 2024 where this topic was discussed, exchanged between officials and or Commissioners with businesses, trade associations, or think tanks.*

In addition, I understand that on or around 1 March 2024, DG Grow organised a seminar (internal to the Commission) on PFAS and alternatives. I would be grateful to receive the agenda, speakers presentations, and notes/minutes from this session.”

Concerning your request regarding a seminar on PFAS, please note that an internal Commission seminar on Sustainable Alternatives to PFAS was indeed organised on 30 January 2024 by DG Environment. We understand that you have sent the same request to DG Environment who will get back to you concerning those documents.

For the remainder, we have identified 43 documents that fall within the scope of your request. You will find the list of the identified documents in the document register attached to this letter. Please note that out of those, 4 documents are publicly available (documents 4, 6, 18 and 26). Links are provided in the 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 following conclusion:

- Documents 7 and 13 can be fully disclosed.
- Parts of document 9 have been blacked out as the content is out of the scope of your request.

Protection of commercial interests

Please note that disclosure is refused for document 29, and that documents 2, 10, 22, 24 and 25 may be partially disclosed.

Some parts of the documents contain commercially sensitive information of the companies concerned. Therefore, the exception to the right of access laid down in Article 4(2) first indent 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 the documents, but we have not been able to identify such an interest.

More specifically, the redacted parts of the documents contain commercially sensitive information related to:

- the manufacturing processes of the companies;
- the potential impacts of the proposed restriction on the companies;
- the companies' research and business strategies;
- the companies' ongoing business projects.

Protection of personal data

Some parts of documents 1, 3, 5, 8, 9, 11, 12, 14-17, 19-25, 27, 28, 30-43 contain personal data that have been redacted.

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 documents 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:

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,

(e-signed)
Kerstin Jorna

Enclosures: - Documents register
 - 38 documents (partially) disclosed

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