



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy
ENV.B.2 – Safe and Sustainable Chemicals

Brussels,

Stéphane Horel
Le Monde
67-69 Avenue Pierre Mendès-France,
75013 Paris
France

By email: @lemonde.fr

Dear Ms Horel,

Subject: Your application for access to documents: Ref GestDem No 2022/3804

We refer to your request for access to documents dated 28/06/2022 and registered under the above-mentioned reference number as well as to our holding reply Ares(2022)5536192.

Please note that this letter is the first part of our reply. The second part of our reply, with the remaining documents, will follow shortly. We would like to sincerely apologise for the delay in replying.

You requested access to the following:

“...documents on the topic of Per- and Polyfluoroalkyl substances (PFAS):

1) all correspondence (including, but not limited to, emails, letters, and/or telephone call notes) including attachments, the list of meetings with detailed minutes and any other reports of such meetings, all documents prepared for the purpose of these meetings and issued after these meetings, and documents exchanged during the course of these meetings between officials of DG Environment, DG Grow, DG Health, DG Clima, the Secretary General, the EC President's Cabinet (including Commissioners and their Cabinet members) AND lobby groups, included in but not limited to the list attached to this email between January 2019 and now.

2) all correspondence (including, but not limited to, emails, letters, and/or telephone call notes) including attachments, the list of meetings with detailed minutes and any other reports of such meetings, all documents prepared for the purpose of these meetings and issued after these meetings, and documents exchanged during the course of these meetings between ECHA, DG Environment, DG Grow, DG Health, DG Clima, the Secretary General, the EC President's Cabinet (including Commissioners and their Cabinet members) between January 2019 and now.

3) all correspondence (including, but not limited to, emails, letters, and/or telephone call notes) including attachments, the list of meetings with detailed minutes and any other reports of such meetings, all documents prepared for the purpose of these meetings and

issued after these meetings, and documents exchanged during the course of these meetings between DG Environment, DG Grow, DG Health, DG Clima, the Secretary General, the EC President's Cabinet (including Commissioners and their Cabinet members) AND the EU Member States, the UK and their competent authorities between January 2019 and now."

In your subsequent clarification email, you further specified the scope of your request as follows:

"1) PFAS are most of the time referred to as a family of chemicals under the generic term PFAS. Besides, our request concerns mainly the restriction of PFAS as a group, so the keyword PFAS should cover our scope. Our request also concerns the fire-fighting foam restriction. In the eventuality you would need a reference list of specific PFAS that are discussed at the EU level, we can provide the following: PFOA, PFOS, Genx, PFHxA, PFHxS, and less frequently PFNA, PFDA, PFUnDA, PFDoDA, PFTTrDA, PFTeDA, PFOB, PFOI, ADONA, C604 and TFA.

2) Our request concerns the restrictions stated above.

3) Concerning the type of documents, our request specifies "all correspondence (including, but not limited to, emails, letters, and/or telephone call notes) including attachments, the list of meetings with detailed minutes and any other reports of such meetings, all documents prepared for the purpose of these meetings and issued after these meetings, and documents exchanged during the course of these meetings". (...)

4) As for the list of organisations, let us rephrase in the following way(...): all correspondence (including, but not limited to, emails, letters, and/or telephone call notes) including attachments, the list of meetings with detailed minutes and any other reports of such meetings, all documents prepared for the purpose of these meetings and issued after these meetings, and documents exchanged during the course of these meetings between officials of DG Environment, DG Grow, DG Health, DG Clima, the Secretary General, the EC President's Cabinet (including Commissioners and their Cabinet members) AND lobby groups, between January 2019 and now.

As for a prioritisation our request, please refer to the order our three points:

- 1. Lobby groups*
- 2. Commission*
- 3. Member States and UK".*

Please see in the Annex to this letter a list of **61** documents in the scope of your request, which fall under the responsibility of DG Environment and are identified in this first part of our reply. Among these documents, we note that the documents under numbers **3, 12, 13, 19, 35, 40, 46, 51, 54, 57, 60, 61**, which fall also under the responsibility of DG GROW, were identified by DG GROW in their reply to your request, registered under Gestdem No 2022/3957. With regard to these specific documents, we note that they have been provided to you in that reply sent by DG GROW (Ares(2022)6135935 and Ares(2022)6654912), therefore we refer you to the latter reply.

Having examined the remaining documents of this first part of our reply under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, we have come to the following

conclusions: with regard to the documents **2, 4, 5, 6, 9, 11, 14, 15, 16, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 41, 43, 44, 45, 47, 48, 49, 52, 53, 55, 56, 58, 59**, 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:

- names and initials of natural persons
- handwritten signatures
- contact details, including phone numbers and email addresses

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, we 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 specific above-mentioned 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.

Finally, please note that some of the enclosed documents that are disclosed originate from third parties that have been consulted on their disclosure and cannot be re-used without the agreement of the originator. 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 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: [REDACTED]@ec.europa.eu

Yours faithfully,

Cristina de Avila
Head of Unit

Encl.: Document register

Disclosed documents