



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE
The Director-General

Brussels,
E3/PK/RL/gc (2024)1069359

Ms CANN, Vicky
Rue d'Edimbourg 26 1050
Bruxelles

*Delivery via the Portal of the
Commission Register of Documents*

Subject: Your application for access to documents – EASE 2024/0594

Dear Ms Cann,

I refer to your application dated 30 January 2024, registered on the same date under the above-mentioned EASE reference number, in which you make a request for access to documents under Regulation (EC) No 1049/2001¹ ('Regulation 1049/2001'). Please accept our apologies for the delay in replying to you.

1. SCOPE OF YOUR REQUEST

You have been requesting public access to the following documents related to "lobbying on PFAS, per and polyfluoroalkyl substances":

1. *A list of all meetings/ discussions since 1 January 2023 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 1 January 2023, where this topic was discussed, exchanged between officials and or Commissioners with businesses, trade associations, or think tanks.*

We have identified 6 documents, including main documents and their respective attachments, falling within the scope of your request:

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents (Official Journal OJ L 145, 31.5.2001, p. 43).

1. Ares(2023)3915352 Invitation received from the European Environmental Bureau for a test to measure exposure to hazardous chemicals – email
2. Ares(2023)3915352 Invitation received from the European Environmental Bureau for a test to measure exposure to hazardous chemical – letter
3. Ares(2023)4996525 Email - AmCham EU Letter on PFAS restriction
4. Ares(2023)4996525 Letter - AmCham EU Letter on PFAS restriction
5. Ares(2023)6737802 Governments'/Authorities' Meeting on Semiconductors (GAMS); 17-19 October 2023 in Phoenix, US Annex 12
6. Ares(2023)6550772 Letter from Honeywell President & CEO on Outreach regarding EU F-Gas File

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

Having examined the requested documents under the applicable legal framework, I am pleased to grant you partial access to **documents 1-5**, with only names and personal data redacted.

A complete disclosure of the 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 1049/2001 (for details please see below).

Copies of the accessible documents in their redacted version are enclosed to the present letter.

I am not in a position to disclose **document 6**, as it contains information covered by the exception under Article 4(2), first indent (protection of commercial interests of a natural or legal person, including intellectual property).

The reasons justifying the application of the exceptions referred to above are set out below.

2.1. Protection of privacy and the integrity of the individual – Article 4(1)(b) of Regulation 1049/2001

2.1.1. 'Personal data'

We disclose the identified **documents 1-5** only partially, as they contain certain personal data, which must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and/or contact details of other natural persons – other than Commission staff members;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person.

To this regard Article 4(1)(b) of Regulation 1049/2001 provides that *'[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data'*.

The applicable legislation in this field is Regulation (EU) No 2018/1725² (hereafter 'Regulation 2018/1725' or 'Data Protection Regulation').

Article 3(1) of Regulation 2018/1725 provides that personal data means *'any information relating to an identified or identifiable natural person [...]'*. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.³ Please note in this respect that the names, signatures, functions, email addresses, telephone numbers etc., and/or initials pertaining to staff members of an institution are to be considered personal data⁴, as well as those of individuals belonging to third parties. As already indicated above, all documents contain such personal information.

2.1.2. Question of 'transfer' of personal data and conclusion

Article 9(1)(b) of Regulation 2018/1725 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 1049/2001, access cannot be granted to the personal data, 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.

2.2. PROTECTION OF COMMERCIAL INTERESTS

2.2.1. Relevance of Article 4(2), first indent of Regulation 1049/2001 in relation to document 6

Article 4(2), first indent of Regulation 1049/2001 provides that *'[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: [...]'*

² 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.

³ Judgment in *Peter Novak v Data Protection Commissioner*, case C-434/16, points 33-35, ECLI:EU:T:2018:560.

⁴ Judgment in *Port de Brest v Commission*, case T-39/17, points 43-44, ECLI:EU:T:2018:560.

commercial interests of a natural or legal person, including intellectual property [...] unless there is an overriding public interest in disclosure’.

While not all information concerning a company and its business relations can be regarded as falling under the exception of Article 4(2), first indent⁵, it appears that the type of information covered by the notion of commercial interests would generally be of the kind protected under the obligation of professional secrecy⁶. Accordingly, it must be information that is ‘*known only to a limited number of persons*’, ‘*whose disclosure is liable to cause serious harm to the person who has provided it or to third parties*’ and for which ‘*the interests liable to be harmed by disclosure must, objectively, be worthy of protection*’⁷.

Document 6 refers to publicly undisclosed information on contractual arrangements between private parties. The release of such information would undermine the protection of the commercial interests of those parties.

2.2.2. No overriding public interest

The exception of Article 4(2), first indent (protection of commercial interests of a natural or legal person, including intellectual property) of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the document. Such an interest must, first, be public and, secondly, outweigh the harm caused by disclosure.

Accordingly, we have considered whether the risks attached to the release of **document 6** are outweighed by the public interest in accessing the requested document. We have not been able to identify any such public interest capable of overriding the commercial interests of the companies concerned. In the present case, there is no such evidence.

3. DISCLAIMER(s)

Please kindly pay attention to the following: you may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on [Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents](#)⁸. You may reuse the documents disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, please note that documents containing content of third party origin, i.e. either documents originating from third parties or documents containing parts of third party origin are disclosed to you based on Regulation 1049/2001. However, disclosure of such third party content is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the

⁵ Judgment in *Terezakis v Commission*, T-380/04, EU:T:2008:19, point 93.

⁶ See Article 339 of the Treaty on the Functioning of the European Union.

⁷ Judgment in *Bank Austria v Commission*, T-198/03, EU:T:2006:136, point 29.

⁸ OJ L 330, 14.12.2011, p. 39.

agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from the reuse of those documents or parts of documents.

4. POSSIBILITY OF A CONFIRMATORY APPLICATION

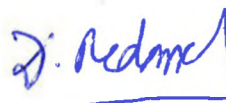
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission, either by

- **by asking for a review via your portal⁹ account** (available only for initial requests submitted via the portal account), or
- **by email** to sg-acc-doc@ec.europa.eu, or
- **by letter post** to the following address:

European Commission
Secretariat-General
'Transparency, Document Management & Access to Documents' (unit SG C.1)
BERL 7/76
Rue de la Loi 200/Wetstraat 200
1049 Brussels
Belgium.

Yours sincerely,



Sabine WEYAND
p.p. Denis REDONNET

Enclosure(s): List of documents,
 5 documents (*redacted*)

⁹ <https://www.ec.europa.eu/transparency/documents-request>

