



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

The Director-General

RTD.H.1

To: CANN, Vicky

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Subject: Your application for public access to documents – EASE 2024/3017

Dear Ms. Cann,

We refer to your letter dated 6 June 2024 in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001¹.

1. SCOPE OF YOUR REQUEST

In your application, you requested access to *documents related to lobbying on PFAS, per and polyfluoroalkyl substances*. In particular:

- *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.*
- *Any records, minutes, preparatory briefings, or other notes of these meetings/discussions.*
- *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 10 documents falling under the selected categories (hereinafter the 'requested documents'), namely:

1. INFO Meeting with Chemours concerning Investment in Hydrogen Production Capacity in Europe - some notes
2. (Attachment) 230329_Notes from meeting with Chemours (002)
3. Response to comments from RTD.xlsx
4. Mapping of study requirements.docx
5. DG RTD clean energy value chains_final_deliverable - CLEAN.pptx
6. RE Alternatives to PFAS for batteries
7. (Attachment) Ian Cousins
8. (Attachment) 6 – Leclanche
9. Email (29)
10. Email SPECTARIS

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) , hereinafter referred to as 'Regulation (EC) 1049/2001'.

2. EXAMINATION UNDER REGULATION (EC) No 1049/2001

Having examined the requested documents under the provisions of Regulation 1049/2001, and taking account of the legitimate interests of third parties concerned, we are pleased to inform you that full access can be granted to documents 3, 4, 5 and 7 and partial access can be granted to documents 1, 2, 6, 8, 9 and 10 - some information has been withheld from them for the reasons explained below.

Protection of commercial interests of a natural or legal person, including intellectual property

Article 4(2), first indent, of Regulation (EC) 1049/2001 provides that "*[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure*".

Document N° 2 contains information received from a third party (Chemours) that is commercially sensitive, as it relates to the company's commercial positioning on the market, its business strategy, its industrial facilities in the EU and commercial aspects of its proposed products. As such, releasing such information in the public would harm its business interests and competitiveness in the market.

Article 4(2), first indent, of Regulation (EC) 1049/2001 (protection of commercial interests) applies unless there is an overriding public interest in disclosure of the documents requested. In order for such an overriding public interest to exist, this interest, firstly, has to be public and, secondly, overriding, i.e. it must outweigh the interest protected under Article 4(2), first indent. In the present case, we consider that there are no elements capable of showing the existence of an overriding public interest in disclosure of the withheld information of the requested documents that would outweigh the public interest in the protection of the commercial interests.

Protection of privacy and the integrity of the individual

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where disclosure would undermine the protection of "*privacy and the integrity of the individual*", in particular in accordance with European Union legislation regarding the protection of personal data².

Documents N°1, 2, 6, 8, 9 and 10 contain personal data such as names, surnames, functions, personal opinions and email addresses of Commission's officials not having the function of senior management staff and of the third parties identified in the documents. This information constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if '*[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests*'.

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 ('Regulation 2018/1725').

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, personal data have been withheld from the requested documents, except for the names and functions of EU Staff forming part of senior management.

3. DISCLAIMER AND RE-USE OF DOCUMENTS

You may reuse the Commission's emails in documents N° 1 and 6 free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort their original meaning or message. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents N° 3 to 5, and 7 to 10 were received from third parties and are disclosed for information. They cannot be re-used without the agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Finally, please note that document N° 2 was drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Research and Innovation. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

4. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 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 either via your EASE account (available only for initial requests submitted via the portal account); or by mail or email to:

European Commission
Secretary-General
Unit SG C.1 – Transparency, document management & access to documents
BERL 7/076
B-1049 Brussels
sg-acc-doc@ec.europa.eu

Yours sincerely,



Marc Lemaître