



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels,
ENV.B.2

Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Brussels

By email: ask+request-119422c952f3d@asktheeu.org

Dear Ms Cann,

Subject: Your application for access to documents: Ref EASE No 2022/5764

We refer to your request for access to documents dated 07/10/2022 and to our holding reply Ares(2022)7499312. We would like to sincerely apologise for the delay in our reply.

You requested access to the following:

“...documents related to the Chemical Strategy for Sustainability, and in particular to the reform of the CLP and REACH Regulations:

- 1. A list of all meetings/ discussions that have taken place since 1st December 2021 between the directors and director-general of DG ENV with representatives of individual companies (including their lobby consultancies and law firms) and/or industry associations on the other hand, specifically: BDI, VCI, CEFIC, Eurometaux, Bayer, BASF, PlasticsEurope, Corteva, 3M, Chemours, Corbion, Solvay.*
- 2. Any records, minutes or notes of these meetings/discussions.*
- 3. Any briefings prepared for these meetings.*
- 4. All correspondence exchanged since 1st December 2021 (including SMS & any other type of messages processed through phone apps - eg., WhatsApp, Signal, Telegram etc, recorded voice messages, emails, letters and attached documents) between the above DG ENV officials and representatives of individual companies (including lobby consultancies and law firms) and/or industry associations on the other hand.”*

I consider your request to cover documents held up to the date of your application, i.e. 07/10/2022.

With regard to part 1 of your request, we regret to inform you that the Directorate-General for Environment does not hold any documents that would correspond to the description given in your application. As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that the list as described in your application is not held by the Directorate-General for Environment, the Directorate-General is not in a position to fulfil your request under the provisions of Regulation (EC) No 1049/2001.

Please note that the meetings of the Director-General of DG ENV with organisations and self-employed individuals are available in the link enclosed below:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=ca175ad3-c2c5-457e-8f6d-f17956bdcc4e>

With regard to parts 2, 3, and 4 of your request, the documents identified to fall in the scope of the request are listed in an annex to this letter.

We are pleased to fully disclose documents 2, 3, 10 and 18.

With regard to documents 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, listed in the annex, 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:

- the names/initials and contact details of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures of 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 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 document 18 originating from the Commission is a preliminary draft, which does reflect the position of the Commission and cannot be quoted as such.

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 them. The European Commission does not assume any responsibility from their reuse.

The document 17 that contains minutes of a meeting was drawn up for internal use under the responsibility of the relevant officials. 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 were not consulted on its contents. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 portal¹ 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: sg-acc-doc@ec.europa.eu

Yours faithfully,

e-signed

Florika FINK-HOOIJER
Director-General

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