



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Safety of the Food Chain
Enforcement

Brussels,
sanco.ddg2.e.5(2015) 6577180

Mr Arun Dohle
Viktoriastraße 46
52066 Aachen
GERMANY

By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-2451-bf7ff92a@asktheeu.org

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2015/6491

We refer to your e-mail dated 10/12/2015 in which you make a request for access to documents concerning Ms Yasmine Motarjemi in relation to food safety and Nestlé, and to our holding reply Ares(2016)85156 dated 07/01/2016.

This request was registered on 10/12/2015 under the above-mentioned reference number.

We enclose copies of the documents requested.

A meeting with DG SANTE services took place on 18 March 2015 at Ms Motarjemi's demand in order to explain the rules regarding the enforcement of Union food chain law and the role of the European Commission in this respect. No report was produced.

Some of the documents to which you have requested access contain personal data.

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its 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 (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

¹ Official Journal L 8 of 12.1.2001, p. 1.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, 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 Secretary-General of the Commission at the following address:

European Commission

Secretary-General

Transparency unit SG-B-4

BERL 5/282

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Carmen Garau
Head of Unit

Encl. : - Letter from Ms Motarjemi to Commissioner Andriukaitis of 10 December 2014
- Reply DG SANTE to Mrs Motarjemi dated 21 January 2015
- Exchange of e-mails between Mrs Motarjemi and DG SANTE between 3 and 12 February 2015

² Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.