



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1

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By email:
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Subject: Your application for access to documents – GESTDEM 2022/2712

Dear Sir,

We refer to your e-mail of 12 May 2022 in which you make a request for access to documents, registered on 13 May 2022 under the above-mentioned reference number.

You request access to *Reports, presentations, meetings, discussions within Civil Dialogue Groups, with industry players and with Member States, drafts, non-paper drafts and correspondence between EU institutions in regards to the impacts of the CJEU's case C-663/18 (known as "KANAVAPE" decision) on hemp-derived cannabidiol (CBD) for the internal market and for the cosmetics sector.*

We have identified 22 documents presented in the enclosed table, 21 of which can be disclosed and are enclosed.

A. Partial disclosure

With regard to Documents 2 to 6, 8, 10 to 11, 13 to 16 and 18 to 20 a complete disclosure of the identified 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 (EC) No 1049/2001, because they contain the following personal data:

- the names/initials, functions and contact information of Commission staff members not pertaining to the senior management;
- the names/initials, function and contact details of other natural persons;
- handwritten signatures/abbreviated 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 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 (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.

B. Non-disclosure

Following an examination of document 9, and taking into account the opinion of the third party/parties, I regret to inform you that its access cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4(1) and Article 4(2) of the Regulation 1049/2001.

Document 9 concerns the comments sent by the Republic of Ireland to the Commission on the issues related to cannabis and certain cannabinoids. As the Republic of Ireland is currently developing positions in relation to this matter, release of these comments when these matters are still under discussion could be prejudicial to the final positions. In particular, these matters concern the enforcement of legislation. Such information could undermine police activity in this area and as such, it relates to security matters. Therefore, Article 4(1)(a) first indent pertaining to the protection of public interests as regards public security, applies.

The State of Ireland is also currently a respondent to several legal challenges in which related matters are raised. Therefore, Article 4(2) second indent pertaining to the protection of court proceedings and legal advice, applies.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply, unless there is an overriding public interest in the disclosure of documents. We have examined whether there could be an overriding public interest in the disclosure of document 9, but we have not been able to identify such an interest.

Disclaimers

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the document/documents disclosed free of charge and 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 document/documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that certain documents contain studies carried out by external experts. It does not reflect the position of the Commission and cannot be quoted as such.

Please note that 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.

Right to appeal

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 within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels,

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

Yours faithfully,

Electronically signed

Kerstin Jorna
Director-General

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