



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels,
SANTE.DDG2.D.3/KVD/es(2022)7034749

Clare Carlile
8 Woodvale Road,
Sheffield S10 3EX

By email with acknowledgment of receipt:
ask+request-11766-7b8c32d2@asktheeu.org

Dear Sir/Madam,

Subject: Your application for access to documents – GESTDEM 2022/4790

We refer to your e-mail 24 August 2022 in which you make a request for access to documents, registered on 24 August 2022 under the above-mentioned reference number.

We also refer to our email of 14 September 2022 extending the time limit to respond to your request in accordance with Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

In your request, you ask, on the basis of Regulation (EC) No 1049/2001¹, access to:

On the topic of the Green Deal, Farm to Fork, the Biodiversity Strategy, or Sustainable Use Directive, all correspondence with, including emails which mention, and any study, impact assessment, forecast, paper or other document received from (or representatives from), any of the following organisations during the years 2020-present. This includes inter-institutional correspondence, correspondence with Member States' authorities and their Permanent Representations as well as correspondence with third parties.

Plus

On the topic of the Green Deal, Farm to Fork, the Biodiversity Strategy, or Sustainable Use Directive, all agendas and minutes of meetings; attendees of meetings; details of the locations of meetings; presentation slides used, and any other materials shared or used (e.g. briefings, leaflets), including in preparation and after the meetings took place, with any of the following organisations during the years 2020-present.

Organisations

- *Hume Brophy*
- *US Sustainability Alliance*
- *American Chamber of Commerce to the EU (AmCham)*
- *American European Community Association*
- *US Chamber of Commerce*

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

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General². This reply relates only to the documents held by Directorate-General for Health and Food Safety. You will receive the replies from the other respective Directorates-General in due course.

2. Identification and assessment of the documents

With regard to the point of your request concerning meetings with the American Chamber of Commerce in Europe, we have identified 1 document that falls within the scope, namely:

- Exploratory meeting SANTE-AmChamEU for the organisation of the 6th Risk Roundtable – 11 February 2021.

Having examined the document under the provisions of Regulation (EC) No1049/2001, we came to the conclusion that it may be only partially disclosed as it falls within one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001, as further explained in paragraph 3 below.

Please find enclosed the above-mentioned document, redacted of the parts which cannot be disclosed, as they are covered by the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

1. Reasons for partial refusal

- a. Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001*

With regard to the identified document, 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) No1049/2001, because it contains the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;

Article 9(1)(b) of the Data Protection Regulation (EU) 2018/1725³ 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 argument to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No1049/2001, access cannot be granted to the personal data contained in the above-mentioned document, 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

² GESTDEMS 2022/4788 (SG), 2022/4789 (SG), 2022/4832 (AGRI)

³ 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).

interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

2. No documents held

With regards to the other parts of your request, we regret to inform you that the Directorate-General for Health and Food Safety does not hold any documents that would correspond to the description given in your request.

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 no such documents, corresponding to the description given in your request, are held by the Directorate-General for Health and Food Safety, it is not in a position to fulfil these parts of your request.

3. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 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 Secretary-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 Bruxelles

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

4. Acknowledgment of receipt

According to the standard operational procedure, the reply is sent by e-mail only. We would therefore appreciate if you could **explicitly confirm receipt** of the e-mail within 5 working days by replying to sante-consult-d3@ec.europa.eu.

Yours sincerely,

Sandra GALLINA

Director General

Enclosure: document disclosed.