



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Food Safety, Sustainability, and Innovation
Pesticides and Biocides

Brussels,
SANTE/E4/(2023)2960037

Ms Sánchez McConochie
28012 - Madrid
Spain

Only by email:
ask+request-12504-90ad7fda@asktheeu.org

Dear Ms Sánchez McConochie,

Subject: Your application for access to documents – Ref EASE No 2023/0559

We refer to your email dated 27 January 2023 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001¹ (or ‘the Regulation’), registered on the same date under the above-mentioned reference number.

We would also like to refer to our request for clarifications of 22 February 2023 and to your reply of 28 February 2023 to said request for clarification.

Moreover, we refer to our email of 21 March 2023 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

In your clarification reply, you asked for access to:

“1. position papers, joint statements, letters or joint letters

2. list of meetings and minutes, emails exchanged between officials/representatives/experts and officials/representatives of:

- *Monsanto/Bayers or any other company producing glyphosate (Syngenta, Dow Chemicals, DuPont);*
- *Glyphosate Task Force ;*
- *Glyphosate Renewal Group;*
- *European Crop Protection Association (ECPA);*
- *CopaCogeca;*

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

- *Bayer CropScience;*
- *Bayer AG;*
- *the European Chemical Industry Council;*
- *Hume Brophy;*
- *Pesticide Action Network;*
- *Greenpeace;*
- *EFFAT;*
- *Friends of the Earth;*
- *HEAL;*
- *FoodWatch;*
- *AVAANZ;*
- *the German Federal Institute for Risk Assessment BfR;*
- *representatives of the German government;*

concerning or mentioning the active substance glyphosate or the Plant Protection Product Regulation 1107/2009, between January 2009 and December 2013 included.”.

2. Assessment of the documents

We have identified 15 documents falling under the scope of your request.

Since some of these documents originate from third parties, in accordance with Art. 4(4) of Regulation Regulation (EC) No 1049/2001, the originators of the documents have been consulted in order to assess whether an exception established in Article 4 applies to these documents. Having examined the documents under the provisions of Regulation (EC) No 1049/2001 and after considering the opinion of the third parties, we have come to the conclusion that partial access can be granted to all documents as the full disclosure of the documents is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001;

Please, be aware that the documents that can be fully or partially released on the basis of Regulation (EC) No 1049/2001 are published on the following Commission webpage:

[Electronic Access to Commission Documents \(EASE\) \(europa.eu\).](#)

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 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third party 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.

3. Partial disclosure of documents

a) Protection of personal data

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 documents, 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 information of Commission staff members not pertaining to the senior management;
- the names/initials and contact information of Member States' representatives;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation² 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, we 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.

Therefore, the above-listed documents are disclosed redacted of the parts containing personal data.

b) Protection of persons involved in testing on vertebrate animals

Article 4(1)(b) of Regulation (EC) No 1049/2001 in relation to Article 39(e)(2) of Regulation (EC) No 178/2002 – protection of persons involved in testing on vertebrate animals

The document No 1 contains names of persons involved in testing on vertebrate animals. Pursuant to Article 39(e)(2) of Regulation (EC) No 178/2002³ disclosure of the names and

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, OJ L 295, 21.11.2018, p. 39.

³ [CL2002R0178EN0090010.0001_cp 1..1 \(europa.eu\)](#)

addresses of persons involved in testing on vertebrate animals shall be deemed to undermine the privacy and the integrity of the individuals concerned.

Therefore, the exceptions laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001 and in Article 39(e)(2) of Regulation (EC) No 178/2002 prevent the full disclosure of the document No 1 where are involved persons in testing on vertebrate animals.

4. 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

Yours sincerely,

Klaus Berend
Head of Unit

