



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Biotechnology

Brussels,
SANTE/E3/SH/aj/ddg2.e.3(2016) 2343281

***By registered letter with
acknowledgement of receipt***

Advance copy by e-mail to:

[ask+request-2690-
7d4af9e1@asktheeu.org](mailto:ask+request-2690-7d4af9e1@asktheeu.org)

Dear Mr Harmsen,

Subject: Your application for access to documents – Reference GestDem No 2016/1308

We refer to your e-mail dated 15/03/2016 registered under the above mentioned reference number, in which you request access to *all correspondence (including emails), agendas, (working) documents, minutes of meetings and any other reports of such meetings between officials of the European Commission (all DGs and services) and officials/representatives of (one or more of) the following organisations: Copa-cogeca, Europabio, AmCham, BIO, Burson-Marsteller, Argentinian government, Brazilian government, Canadian government, Australian government, Chinese government, US government, US FDA, US Mission to the European Union, US Trade Representative, National Cattlemen's Beef Association, National Pork Producers Council, US Dairy Export Council, Farm Bureau or any other US agricultural interest group where 'cloning' was discussed/mentioned (between December 2011 and January 2014).*

On 6 April 2016, we had already provided you with a first partial reply to your request (Ares(2016)1627298).

We are currently consulting with other parties. As a result this reply does not yet cover all aspects of your request. Our aim is to respond to you before 13 May 2016.

We now provide you the letters from the Australian embassy dated 30 April 2012 and an email from the Brazilian Mission to the EU dated 7 May 2012. Please note that these documents were received by the Commission from a third party. They are disclosed for information only and cannot be reused without the agreement of the originator, who holds a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such.

The expunged parts of the letter from the Australian embassy and the email from the Brazilian Mission to the EU concern 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

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Belgium

would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Union 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 data*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 (address further below).

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
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Chantal Bruetschy
Head of Unit

Enclosures

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

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-6055.