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Directorate-General for Trade

Directorate D - Sustainable Development; Economic Partnership Agreements - African, Caribbean and Pacific; Agri-food and Fisheries
Agriculture, Fisheries, Sanitary and Phytosanitary Market Access, Biotechnology

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Lora Verheecke
Corporate Europe Observatory
Rue d'Edimbourg 26
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By email:

[ask+request-2792-
c9558efd@asktheeu.org](mailto:ask+request-2792-c9558efd@asktheeu.org)

By registered mail

Dear Ms Verheecke,

Subject: Your applications for access to documents – Ref GestDem No 2016/2030

We refer to your email dated 18/04/2016 in which you make a request for access to documents, registered on 19/04/2016 with the above mentioned registration number.

Your application concerns *"all communication, including emails, and documents (agenda, minutes, list of participants, etc) related to the meeting between Maria Asenius and Christian Burgsmueller and ECPA on 12th April"*.

We have identified two documents that relate to this meeting:

- 1) a meeting request from ECPA dated 13 March 2016 – ARES(2015)2339451, and
- 2) a meeting report – ARES(2016)2339451.

Two other documents were presented in the meeting, they are both publically available:

[http://www.ecpa.eu/sites/default/files/23734-
ECPA_position_paper_on_endocrine_disruptors-10March2014.pdf](http://www.ecpa.eu/sites/default/files/23734-ECPA_position_paper_on_endocrine_disruptors-10March2014.pdf)

<http://www.dtbassociates.com/docs/EUregsEndocrineDisruptorsTradeEffects2-2014.pdf>

We can disclose both the meeting request and the report to you. The names of Commission non-managerial staff in the second document have been withheld according to the protection of personal data as provided in Article 4.1 (b) of the Regulation (EC) No

1049/2001. Pursuant to this article, access to a document or part of it 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.

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. Therefore, we are disclosing the documents requested expunged from this personal data.

In accordance with Article 7(2) of Regulation 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 5/327
B-1049 Bruxelles

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

Yours sincerely,



Zoltan Somogyi
Head of Unit

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment in *Commission v Bavarian Lager*, EU:C:2010:378, paragraphs 63-64; judgment in *Guido Strack v Commission*, EU:C:2014:2250, paragraphs 101.

From: Graeme Taylor [<mailto:Graeme.Taylor@ecpa.eu>]

Sent: Sunday, March 13, 2016 12:39 AM

To: ASENIUS Maria (CAB-MALMSTROM)

Subject: REQUEST FOR MEETING

Dear Maria

We met a few months back at the EBS steering committee where you gave a talk on TTIP and had the pleasure to speak with you over lunch. You suggested you would be open to hearing more about our industry position on TTIP and some other issues important in terms of trade. I was hoping you would be available for a meeting with me in the next few weeks so I can put over our position on TTIP and also to give you some background on our position on endocrine disruptors, an issue which could have real trade implications for the EU.

Look forward to hearing from you

Best regards

Graeme Taylor
Director of Public Affairs



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**Meeting of HoC Maria Åsenius with the European Crop Protection
Association (ECPA) – 12 April 2016**

Participants at the meeting:

COM: Maria Åsenius, Head of CAB of Commissioner Malmström; Christian Burgsmueller, Member of CAB of Commissioner Malmström; [Art. 4.1(b)] [REDACTED], DG TRADE D.3; [Art. 4.1(b)] [REDACTED], DG TRADE G.3.

ECPA: Graeme Taylor, Director of Public Affairs.

With regard to the **EU's regulatory approach on EDs and the still ongoing EU Impact Assessment (IA)**, ECPA highlighted the following:

- The association is seriously concerned about the significant pressure put on the Commission to quickly wrap up the IA and proceed to the adoption of criteria to identify EDs, in particular due to the recent judgement of the ECJ which stated that the EU had failed to act by not respecting regulatory deadlines to adopt criteria to identify EDs. ECPA fears that the quality of the socio-economic part of the still ongoing IA could suffer due to the severe time constraints which the Commission is now facing following the ECJ judgment.
- ECPA stressed that many third countries are also concerned about the possibility of the Commission adopting purely hazard-based criteria, which would question the scientific solidity of the Commission's approach and may lead to severe trade disruption and a significant lack of regulatory predictability for pesticide producers and users.
- Option 4 for establishing EU criteria to identify EDs is the one preferred by industry as it includes "potency" as element of hazard characterization. A proper risk assessment is essential.

Regarding the **ongoing TTIP negotiations and discussions on pesticides in particular**, ECPA requested an update from the Commission. The association also requested clarification on whether the ongoing EU process leading to the adoption of criteria to identify EDs was in any way linked to the ongoing TTIP negotiations.

- On **EDs**, the Commission expressed its awareness about the international and trade dimensions of this initiative and of the concerns of our stakeholders and trading partners. The Commission informed that the Impact Assessment is about to be finalised, allowing to carefully examine potential impacts on trade, together with potential impacts on other areas.
- On **TTIP**, the Commission underlined the importance of both horizontal and sector-specific regulatory cooperation and reminded ECPA that TTIP will fully respect the EU's existing regulatory standards on pesticides. The Commission highlighted the importance of the multilateral cooperation (for instance in the framework of the OECD and Codex Alimentarius).

Finally, ECPA informed that they were following closely the process regarding the **possible renewal of the EU-wide authorisation for glyphosate**, a topic which is currently politically highly sensitive and subject to intense and controversial discussion amongst industry, Member States, Commission, other international organisations such as the WHO, and the scientific community.