



**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY**

**Director-General**

SANTE/E4/AS/np

***By registered letter with acknowledgment of receipt***

Ms Rachel Tansey  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
B - 1050 Brussels

***Advance copy by email : [ask+request-2800-445eeb54@asktheeu.org](mailto:ask+request-2800-445eeb54@asktheeu.org)***

Dear Ms Tansey,

**Subject: Your application for access to documents – Ref GestDem No 2016/2119**

We refer to your email dated 20/04/2016 in which you make a request for access to documents, registered on 22/04/2016 under the above mentioned reference number which refers to part of your request.

**1. Scope of your request**

On the basis of Regulation (EC) No 1049/2001, you asked access to "*all communication, including emails, and documents (agenda, minutes, list of participants, etc) relating to:*

*- the meeting of Director-General Xavier Prats Monné with the European Crop Protection Association (ECPA) on 21/01/2016, on the subject "Introductory visit"*".

**2. Identification and assessment of the concerned documents**

We have identified four documents as falling under the scope of your requests.

**3. Assessment of the documents**

Having examined the documents, we have come to the conclusion that:

- i) full access cannot be granted to any of the documents.
- ii) partial access can be granted to the documents under numbers 1, 2 and 3.
- iii) document number 4 is protected in its entirety.

Please find attached the documents under numbers 1, 2 and 3, as well as a table containing the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001.

You may re-use Commission documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Documents originating from third parties cannot be re-used without the agreement of the originators.

#### **4. Reasons for refusal**

The document number 4 requested contains the briefing to Director General Xavier Prats Monné for the meeting with ECPA. This document contains information related to dossiers on endocrine disruptors, guidance documents on bees, delays in the evaluation of active substances as well as MRL settings for new substances. The premature disclosure of this document would undermine the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure.

Therefore, the exception laid down in Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 applies to this document.

We have considered whether partial access could be granted to the document 4. However, this document is entirely covered by the exception.

#### **5. Overriding public interest**

The exception to the right of access provided for in Article 4(3), first paragraph, of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested documents. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such grounds either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001. The public interest in this case is rather to protect the Commission's ongoing institutional and political decision-making processes on the criteria to identify endocrine disruptors, the adoption of the guidance document on the protection of bees, as well as the approval procedures of active substances and setting of MRLs.

#### **6. Protection of personal data**

The documents under numbers 1, 2 and 3 contain personal data, such as the names of ECPA staff, or Commission's non-managerial staff. Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document 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<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable. 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 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 such personal data.

## 7. Means of redress

May you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below. The Secretary-General will inform you of the result of such review within 15 working days from the date of registration of your request. You will either be given access to the documents or your request will be rejected, in which case you will be informed of what further action is open to you.

All correspondence should be sent to 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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

For the Director General absent,  
Ladislav MIKO  
Deputy Director General



Xavier Prats Monné

Annex: 3 documents and a list

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<sup>1</sup> 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 (OJ L 8, 12.1.2001, p. 1).