EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Resource management and better regulation
Better regulation

Brussels,
SANTE/A1/CG/wv/(2017)778800

Subject: Your requests for access to documents – GestDem 2016/7142

Dear Ms Douo,

We refer to your email dated 16 December 2016 and registered on 19 December 2016 in which you make a request for access to documents.

In your application, you requested access to :

"*documents which contain all correspondence (including emails), agendas, minutes of meetings and any other reports of such meetings between officials/representatives/Commissioner/cabinet member of DG SANTE and the following companies over the past year* [2016]*: Dow Chemicals, DuPont, Syngenta, Bayer, Monsanto*".

On 6 January 2017, you confirmed by email that your request does not cover documents related to pharmaceuticals for human use.

So far, we have identified 278 documents that fall under the scope of your request. The analysis of these documents, together with the need to consult the third parties concerned in accordance with Article 4(4) and 4(5) of Regulation (EC) No 1049/2001, cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

Article 6(3) thereof provides that in the event of an application relating to a very long document or to very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.

Myriam Douo
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In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents applied for, not the deadline for replying.[1] This means that the scope of the request must be reduced in a way that would enable its treatment within the extended deadline of 15 + 15 working days.

Based on the above-mentioned provision, we would kindly ask you whether you could narrow down the scope of your request (i.e. the subject matters), so as to reduce it to a more manageable amount of documents. In this regard, **could you please inform us if your request also includes correspondence related to food contact materials, food flavouring substances, food enzymes and food additives, and, if so, specify the topics you are interested in?**

If it is not possible to limit your request to a more limited number of documents and if you maintain your request for access to all documents concerned by your application, we propose to handle your application in successive stages. If you accept this proposal, you **could select the documents that you wish to receive and indicate an order of priority,** which we would try to follow as much as possible in handling your application. This means that parts of your application would be considered to have been introduced in successive stages and will be dealt with within the corresponding new time-limits. You would in that case receive, at regular intervals, batches of documents which have been cleared for full or partial release and/or a reasoned reply explaining why some (parts of the) documents cannot be disclosed.

Alternatively, you can formally withdraw those parts of your request that cannot be handled within the extended deadline of Regulation (EC) No 1049/2001, and re-introduce applications for access to these parts in successive stages.

In order to help you to narrow down your request, we have included several PDF's containing the references of the documents that have been identified as potentially falling under the scope of your request. Considering the centre of interests of your organisation, we have focussed primarily on correspondence on pesticides/biocides and on biotechnology. Correspondence between our "Information systems"-unit and these companies regarding purely technical issues such as the usage and functions of IT applications developed by DG SANTE (including helpdesk exchanges) is not included in the lists of documents.

1) Pesticides, pesticides residues and biocides

For the policy areas of pesticides, pesticides residues and biocides, the documents identified following an initial search are listed in two PDF's attached.

We also refer you to the EFSA-website, section "Pesticides Dossier", http://registerofquestions.efsa.europa.eu/roqFrontend/ListOfQuestionsNoLogin?3, where you have access to documents related to the applications submitted by the five companies concerned by the request.

As part of an audit series of pesticides authorisations in Member States, industries' representatives were present during meetings between the Commission and Member States to discuss the Member States' authorisations of plant protection products. The results of these meetings are recorded in the audit reports that, once finalized, are

[1] Judgment of the Court of Justice of 2 October 2014 in case C-127/13, *Guido Strack v Commission*, paragraphs 26-28.

published on the DG SANTE website. DG SANTE was not involved in the selection of the industry representatives to these meetings.

2) Biotechnology

For the policy area of biotechnology, you will find attached a PDF in which are listed the references to meeting reports, monitoring reports submitted under Regulation (EC) No 1829/2003, and general correspondence with the five companies mentioned in your request.

Information on specific applications or renewal of applications of GMOs (under Regulation (EC) No 1829/2003 or Directive 2001/18/EC) can be found in EFSA's register of questions (http://registerofquestions.efsa.europa.eu/roqFrontend/login?0); the annual reports for the Post Market Environmental Monitoring Plan for the cultivation of GMOs are uploaded at http://ec.europa.eu/food/plant/gmo/reports_studies_en, and the GMO register for notifications under Directive 2001/18/EC can be consulted on http://gmoinfo.jrc.ec.europa.eu/.

If you have any questions concerning our request, you can contact us by email at:

- SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days.

Thank you in advance for your understanding.

Yours sincerely,

Carmen Garau
Head of ~~Unit~~
pO Catarina Gois

Enclosures:

– 5 lists of documents