

Helsinki, 15 September 2017

Vincent Harmsen

E-mail: ask+request-4464-b780027e@asktheeu.org**Subject: Reply to your request of ATD/57/2017 – second batch**

Dear Mr Harmsen,

Thank you for your request of 10 July 2017, registered on 11 July 2017, seeking access to documents. Your request falls under Regulation (EC) No 1049/2001 (the "ATD Regulation") which governs the access to documents held by the European Chemicals Agency.

Your request concerns access to "all records of communications -- including, but not limited to, emails, letters, phone logs, minutes of meetings, or any other reports of such meetings -- between Fabrice Broeckaert, employee of ECHA, and the following corporations, individuals and organizations between 01 January 2015 and 01 January 2017:

- Bayer
- Monsanto
- BASF
- Syngenta
- DuPont
- Dow Chemical
- AkzoNobel
- Tier3 Solutions
- ECPA
- CEFIC
- CropLife International
- CropLife America
- American Chemistry Council
- ECETOC
- ILSI
- FleishmanHillard
- Hill+Knowlton
- Ketchum
- Burson Marsteller
- v-Fluence
- Exponent
- Gradient
- Hume Brophy
- Edelman
- acumen
- Genius
- knoell
- Alan Boobis
- Roland Solecki
- Angelo Moretto
- Wolfgang Dekant
- Helmut Greim

- Daniel Dietrich
- Colin Berry
- Richard Sharpe
- Gary Williams
- Pat Heslop-Harrison
- David Kirkland
- Richard Garnett
- David Saltmiras
- Keith Solomon
- Donna Farmer
- William Heydens
- Jerry Rice
- Larry Kier
- Mark Martens "

In your email of 11 July 2017, you confirmed the scope of your application as related to "all communication, not related to any specific substance or substances" and offered your cooperation to facilitate the process. In this respect, in your email of 25 July 2017, you agreed to ECHA's proposal whereby we would disclose the documents in two batches as different communication tools must be examined.

Moreover, by email of 24 July 2017, ECHA explained that your application concerns identified natural persons and that such information constitutes a set of personal data. By email of 25 July 2017, you put forward reasons as to establish the necessity of having the data transferred in accordance with Article 8 of Regulation (EC) No 45/2001 (the "Data Protection Regulation").

This second batch includes the following written communications between Fabrice Broeckaert and some of the abovementioned persons/organisations.

1. Email from Mark Martens on 04/05/2016
2. E mail from ECPA on 09/02/2016 and the related attachment.
3. Emails with ECPA on 02/09/2016 and the related attachment.

Decision

Based on Article 7(1) of the ATD Regulation

ECHA has decided to grant you partial access to the requested documents.

Reasons

Following an examination of the second batch of documents requested under the provisions of the ATD Regulation, ECHA has concluded that they may be partially disclosed. The partially redacted versions of the documents are enclosed to this letter. Some parts of the documents have been blanked out as their disclosure is prevented by an exception to the right of access laid down in Article 4 of this regulation, as explained below. Please note that documents originating from third parties were found among the communications. ECHA carried out a third party

consultation in accordance with Article 4(4) of the ATD Regulation and the interests involved have been duly balanced.

Additionally, please note that a third party consultation is still ongoing as regards the document n°3. This document will therefore be provided to you via a separate communication.

Personal data

Personal data that is not publicly available has been redacted from the requested documents as the exception provided by Article 4(1)(b) of the ATD Regulation on the protection of personal data was found to apply, except for the name of Fabrice Broeckaert.

Appeal/legal redress

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or executive-director@echa.europa.eu). This needs to be done within 15 working days of receiving this letter.

The Executive Director will inform you of the result of the review within 15 working days from the registration of your subsequent request.

Other observations

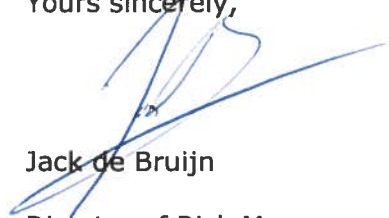
Following the communication of the first batch of the documents falling within the scope of your request, ECHA provided you with further information on ECHA Conflict of Interest Policy along with the copy of the declaration of interest of Mr Fabrice Broeckaert by email of 16 August 2017.

Concerning the document n°1, please note that the invitation to participate in the Belgian Society of Toxicology and Ecotoxicology (BelTox) was forwarded to another qualified ECHA staff member in order to avoid any doubts or wrong perceptions of conflict of interest.

As mentioned above, the document n°3 will be provided to you in a separate letter following the outcome of the third party consultation carried out in accordance with Article 4(4) of the ATD Regulation.

Yours sincerely,

Yours sincerely,



Jack de Bruijn

Director of Risk Management

Encl: Non-confidential versions of the communications

1. Email to Mark Martens on 04/05/2016
2. Email to ECPA on 02/09/2016 and Attachment.
3. E mail from ECPA on 09/02/2016 and attachment.