



EUROPEAN COMMISSION

Directorate General for International Cooperation and Development

Director-General

Brussels, **23 NOV. 2018**
devco.c.1(2018)6482582

Subject: Your application for access to documents – Ref GestDem No 2018/4167

Dear Mr Wetzels,

I refer to your e-mail, registered on 1 August 2018 under the abovementioned reference number, in which you request access to documents. I also refer to our e-mail of 13 September 2018 via which the time limit for handling your request was extended pursuant to Article 7(3) of Regulation (EC) No 1049/2001 and to our e-mail of 10 October 2018, informing you that the work in compiling all the information, which required inputs from various sources, had faced some delays and was taking more time than anticipated.

1. SCOPE OF YOUR REQUEST

In your request, you ask for access to:

(A) Any study, impact assessment, forecast, paper or other document authored by The Bill & Melinda Gates Foundation in which European development efforts in Africa were mentioned or discussed between August 2016 and March 2018.

(B) All correspondence (including emails) between DG DEVCO officials (including the Commissioner and the Cabinet) and members and/or representatives of The Bill & Melinda Gates Foundation between August 2016 and March 2018.

(C) A list of meetings including detailed minutes and any other reports of such meetings between DG DEVCO officials (including the Commissioner and his Cabinet members) and members and/or representatives of The Bill & Melinda Gates Foundation between August 2016 and March 2018.

(D) All correspondence (including emails) between DG DEVCO officials (including the Commissioner and the Cabinet) themselves, and members and/or representatives of The Bill & Melinda Gates Foundation about or mentioning the European External Investment Plan.

Please note that point (C) of your request and more specifically the list of meetings does not concern access to one or more existing documents but to information, which would have to be compiled and processed for this specific purpose. Therefore, point (C) of your request as far as the list of meetings is concerned does not qualify as an application for access to documents under Regulation (EC) No 1049/2001, but as a request for access to information, which is handled under the Code of Good Administrative Behaviour.

Points (A), (B) and (D) of your request are handled as a request for access to documents under Regulation (EC) No 1049/2001. The same applies for the part of point (C) that concerns the minutes and other reports of meetings.

Based on your application we have identified the following 30 documents and 2 annexes:

- **Minutes and other reports of meetings**

1. DEVCO B2 Flash report dated 23 October 2016 on the meeting of 19 October 2016 between Head of Cabinet, Nils Behrndt, Cabinet Member, Paolo Berizzi, representatives of DG DEVCO, and Anja Langenbucher of the Bill and Melinda Gates Foundation (BMGF);
2. DEVCO B4 Flash report dated 17 February 2017 on the meeting of 16 February 2017 between Commissioner for International Cooperation and Development, Neven Mimica, Deputy Head of Cabinet, Irena Andrassy, Cabinet Member, Paolo Berizzi, representatives of DG DEVCO, and Bill Gates;
3. DEVCO B4 Flash report dated 13 June 2017 on the meeting of 12 June 2017 between Commissioner for International Cooperation and Development, Neven Mimica, Cabinet Members, Ivan Prusina and Paolo Berizzi, representatives of DG DEVCO, and Bill Gates and Chris Elias of the BMGF;
4. DEVCO B4 Mission report dated 13 July 2017, under the title "Note for the attention of Jean-Louis Ville, acting Director DEVCO B", on the subject of participation in the Polio replenishment conference in Atlanta, on 11 to 12 June 2017;
5. DEVCO B Mission report dated 26 July 2017, under the title "Note to the attention of Stefano Manservigi, Director-General", on the subject of participation to the Family Planning 2020 Summit, UK Government, in London on 11 July 2017;
6. DEVCO C1 Mission report dated 9 September 2017, under the title "Note to the attention of Roberto Ridolfi, Director C", on the subject of mission to the African Green Revolution Forum (AGRF), in Abidjan, on 5 to 7 September 2017 (ref ARES(2017) 4411825);
7. DEVCO C3 Mission report dated 29 September 2017, under the title "Mission report for the attention of Mr R. Ridolfi, Director, DEVCO C", on the subject of meetings with the BMGF on the European External Investment Plan (EEIP) on 11 to 13 September 2017 (ref ARES(2017) 4759817);
 - 7.i. Annex to document 7 above, under the title "Program for the EC trip to Seattle to discuss potential BMGF – EC partnership on the EEIP – 11-13 September 2017" (ref ARES(2017) 4759817);
8. DEVCO B4 Mission report dated 16 October 2017 on the joint mission led by DEVCO C3 to Seattle, on 10-13 September 2017;
9. DEVCO C1 Mission report dated 19 September 2017, under the title "Note to the attention of Roberto Ridolfi, Director C", on the subject of the mission to Seattle on 10 to 14 September 2017 on a potential BMGF-European Commission partnership on the EEIP;
10. DEVCO C3 Flash report dated 30 October 2017 on the meeting of 26 October 2017, between Head of Cabinet Nils Behrndt, members of his team, representatives of DG DEVCO, and Anja Langenbucher from the BMGF;

11. DEVCO C1 Mission report dated 15 December 2017, under the title "Mission report to the attention of Roberto Ridolfi, Director C", with the subject of the mission to Paris for the One Planet Summit on 11 to 12 December 2017;

12. DEVCO C1 Summary and operational conclusions, under the title "Experts meeting on climate – relevant innovation through research in agriculture: Action plan for 2018 – 2020", on the meeting that took place in Brussels on 12 March 2018.

- **Correspondence**

13. E-mail exchange between DEVCO B4 and BMGF representative, dated 23 September 2016, regarding the follow-up to discussions on Primary Health Care Performance Initiative (PHCPI).

14. E-mail exchange between DEVCO B4 and BMGF representatives, dated 13 to 21 October 2016, regarding a consultation pursuant to Regulation (EC) No 1049/2001 on a request under reference GestDem 2016/5100;

15. E-mail exchange between DEVCO B4 and BMGF representatives, dated 6 to 8 February 2017, under the subject "Follow-up";

16. E-mail exchange between DEVCO B4 and BMGF representatives, dated 15 June 2017, on Programme and resources for the Family Planning Summit 2017;

17. E-mail exchange between DEVCO B4 and BMGF representatives, dated 6 to 7 July 2017 on FP Summit – Leave No One Behind spotlight;

18. E-mail exchange between DEVCO C3, B4, C1 and BMGF representative dated 8 September 2017, on the final programme of meetings on the EEIP;

19. E-mail exchange between DEVCO C, C1, B4, C3 and BMGF representative, dated 14 to 19 September 2017 regarding the steps following the Commission services mission to Seattle;

19.i. Annex to document 19 above, under the title "EC/BMGF Seattle Meetings – September 2017 Trip report and next steps";

20. E-mail exchange between DEVCO C1 and BMGF representative, dated 8 September 2017 regarding a meeting on agriculture strategy;

21. E-mail exchange between DEVCO C1 and BMGF representative, dated 19 October to 17 November 2017 regarding the follow-up to discussions on the idea of Innovation Thematic Trust Fund;

22. E-mail exchange between BMGF, DEVCO C1 and PRETORIA, dated 14 December 2017 to 8 January 2018 regarding the organisation of a meeting for stakeholders or a videoconference;

23. E-mail exchange between BMGF and DEVCO C1, dated 19 December 2017 to 24 January 2018 regarding the National Information Platforms for Nutrition (NIPN);

24. E-mail exchange between BMGF and DG DEVCO, dated 18 to 23 January 2018 regarding a possible informal dinner, between BMGF representatives, DEVCO Director General and Commissioner for Research, Science and Innovation;
25. E-mail exchange between BMGF and DEVCO C1, dated 25 to 29 January 2018 regarding a debrief about the One Planet Summit in the General Assembly Research and Development;
26. E-mail exchange between BMGF and DEVCO C1, dated 6 February 2018 regarding the terms of reference for the Stakeholder Group within the NIPN initiative;
27. E-mail exchange between DEVCO C1 and the BMGF dated 14 February 2018 concerning a bilateral meeting between DEVCO Director General and BMGF representatives;
28. E-mail exchange between DEVCO DIRGEN, DEVCO C1, and DEVCO Directors dated 14 February 2018 with the subject "Debrief: DG Manservisi dinner with Mark Suzman on 13/02";
29. E-mail exchange between BMGF and DEVCO C1, dated 9 to 15 February 2018 regarding the Agenda for Global Support Facility (GSF) meeting on 27 February 2018;
30. E-mail exchange between BMGF and DEVCO C1, dated 7 to 8 March 2018 regarding the programme of the meeting of 12 March 2018.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001

2.1. DISCLOSURE (FULL OR PARTIAL) OF DOCUMENTS UNDER YOUR REQUEST

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be fully or partially disclosed. Partial disclosure refers to those documents' parts which have been redacted as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) of this Regulation as regards the protection of personal data. I provide further detail on this exception below and in section 2.2 of this letter. Partial disclosure also refers to those documents' parts, which have been redacted as they contain information not falling under the scope of your request; this is the case of documents under numbers (6) and (11).

You may re-use the documents requested under numbers (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (28) free of charge for non-commercial and commercial purposes provided the source is acknowledged, and you do not distort the original meaning or message of the documents. The Commission does not assume liability stemming from the re-use.

Please note that the documents under numbers (7.i), (13), (14), (15), (16), (17), (18), (19), (19.i), (20), (21), (22), (23), (24), (25), (26), (27), (29) and (30) were received by the Commission from a third party and are being disclosed with the consent of the BMGF. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

2.2. EXCEPTIONS BASED ON THE PROTECTION OF 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 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 Union 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.

I 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, I am disclosing the documents requested expunged from this personal data.

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, Document Management & Access to Documents (SG.C.1)
BERL 5/282
B-1049 Brussels

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

Yours sincerely,



Stefano MANSERVISI

Annexes: - Minutes and other reports of meetings
- Correspondence

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 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010I-06055.

