



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems, medical products and innovation
Cross-border health care and tobacco control

Brussels
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Mr HOEDEMANN Olivier
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By email only to:
ask+request-7509-2ef07215@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2019/7290

Dear Mr Hoedeman,

We refer to your e-mail dated 13 December 2019 in which you make a request for access to documents, registered on 17 December 2019 under the above-mentioned reference number.

We also refer to our letter of 17 January 2019 and to your reply of 3 February 2020 conferring with you with a view to finding a fair solution in accordance with Article 6(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

On the basis of Regulation (EC) No 1049/2001¹, you requested access to:

‘ - all reports (and other notes) from meetings between the European Commission and representatives of the tobacco industry (producers, distributors, importers etc., as well as organisations and individuals that are funded by and/or work to further the interests of the tobacco industry), during 2019.

- all correspondence (including emails) between the European Commission and representatives of the tobacco industry (producers, distributors, importers etc. as well

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

as organisations and individuals that are funded by and/or work to further the interests of the tobacco industry), during 2019.

- a list of all the above-mentioned documents (including dates, names of participants/senders/recipients and their affiliation, subject of meeting/correspondence).²

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General². This reply relates only to the documents held by DG SANTE. You received or will receive the replies from the other concerned Directorates-General in due course.

Article 6(3) of Regulation (EC) 1049/2001 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. In our fair solution proposal sent to you the 17 January 2019, we proposed a reduction in material scope of your request.

In your subsequent reply to our fair solution proposal, you proposed to narrow down the scope to the following:

- identification of the documents falling under your request;
- retrieval and establishment of a complete list of the documents identified.

This approach would allow you to submit follow-up requests for specific documents.

We therefore understand that your interest as expressed in your reply of 3 February 2020 would be satisfied by the information provided in the next section and in the attached document.

2. Request for information

After conferring with you and in light of the high workload entailed by the individual assessment of the documents falling under the scope of your request, we have created an *ad-hoc* document, listing existing documents that would fall under the scope of your initial request.

The document details the titles of the 178 identified documents, their date and the names of organisations, which sent or received the documents.

This list is disclosed for information purposes only, in order to allow you to better identify the particular documents of your interest. It does not contain and cannot be construed to imply any assessment on whether the listed documents can be fully or partially disclosed to the public.

You may reuse this list 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 document. Please note that the Commission does not assume liability stemming from the reuse.

² GROW GESTDEM 2019/7292; AGRI GESTDEM 2019/7294; SG.D3 GESTDEM 2019/7295; TAXUD GESTDEM 2019/7296; TRADE GESTDEM 2019/7297; COMP GESTDEM 2019/7298; ECFIN GESTDEM 2019/7299

3. Next requests

We therefore invite you to submit new requests providing more detailed information on the documents, which you seek to obtain, such as references, titles, senders or recipients by email to: SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu

Yours sincerely,

(e-signed)

Thea EMMERLING
Head of Unit

Enclosure: List of identified documents as specified under Section 2 of this letter (by email only)