



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems, medical products and innovation
Medical products: quality, safety, innovation

Brussels,
SANTE.DDG1.B4/SG(2020)

Ms Myriam Douo
Rue d'Edimbourg 26,
1050 Brussels
Belgium

Only by email to:
ask+request-8361-9bac41f0@asktheeu.org

Dear Ms Douo,

Subject: Your application for access to documents – GESTDEM 2020/4438

We refer to your e-mail of 14 July 2020 in which you make a request for access to documents, registered on 15 July 2020 under the above-mentioned reference number.

1. Scope of your request

In your request, you ask, on the basis of Regulation (EC) No 1049/2001¹ to all documents related to a series of listed meetings by dates that Commissioner Breton and members of his Cabinet have held with interested representatives since 01 March 2020.

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-General. This reply relates only to the documents held by the Directorate-General for DG Health and Food Safety. You received/will receive the replies from the other respective Directorates-General in due course.

Please note that the documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please also note that the reports were drawn up for internal use under the responsibility of the relevant directorate in the Directorate-General for Health and Food Safety. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the

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

third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

2. Identification and assessment of the concerned documents

We have identified 8 documents that fall within the scope of your request.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined all the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the third party, we have come to following conclusion, which is further explained below:

- Full access can be granted to documents No 4 and 5
- Partial access can be granted to documents No 1-3 and 5-8 as their full disclosure is prevented by one exception to the right of access laid down in Article 4 of the Regulation); document No 6 also contains withheld parts considered outside of the scope of this request.

3. Reasons for partial access

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data -Article 4(1)(b) of Regulation (EC) No 1049/2001

A complete disclosure of the identified documents No 1-3 and 6-8 is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person such as office and phone numbers.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents mentioned above, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Therefore, partial access is granted to the requested documents, expunged of personal data.

1. Means of redress

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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Sylvain GIRAUD
Head of Unit

Enclosure: 8 documents