



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

**The Director General**

Brussels,  
SANTE/E4/VF/gb(2022)5577078

Ms Barbara Berardi,  
c/o POLLINIS  
10, Rue Saint Marc  
75002 Paris  
France

***Only by email with acknowledgment  
of receipt only:***

[ask+request-11378-  
8b38ba90@asktheeu.org](mailto:ask+request-11378-8b38ba90@asktheeu.org)

Dear Ms Berardi,

**Subject: Your application for access to documents – Ref GestDem No 2022/3212**

We refer to your email dated 2 June 2022 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001<sup>1</sup> (or ‘the Regulation’), registered on the same day under the above-mentioned reference number.

We also refer to our email of 24 June 2022 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

### **1. Scope of your request**

In your request, you asked access to:

*“...(i) All documents and information, including communications, email correspondence, briefings, reports, agendas and minutes of meetings, regarding BASF’s application for renewal of the approval of Boscalid, issued by and/or exchanged within and/or between the Standing Committee on Plants, Animals, Food and Feed, BASF SE (or other concerned stakeholders), the European Commission, the EFSA, the rapporteur Member State (Slovakia), the co-rapporteur Member State (France) and/or other Member States.*

*(ii) Any other information or document relating to the renewal process of the active substance Boscalid’.*

### **2. Assessment of the documents**

We have identified 17 documents falling under 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.

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

Having examined all the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the relevant third parties, we have come to the conclusion that:

- partial access can be granted to documents No 01 and 04 to 06, as their full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001;
- documents No 02 and 03 have been found as out of the scope of the request;
- documents No 07 to 17 are publicly available on the Europa websites and can be accessed through the following links:
  - Document 07:  
[https://www.europarl.europa.eu/doceo/document/E-8-2018-006368\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-8-2018-006368_EN.html)
  - Document 08:  
[https://ec.europa.eu/food/system/files/2018-08/sc\\_phyto\\_20180524\\_ppl\\_sum.pdf](https://ec.europa.eu/food/system/files/2018-08/sc_phyto_20180524_ppl_sum.pdf)
  - Document 09:  
<https://ec.europa.eu/transparency/comitology-register/screen/documents/057021/1/consult?lang=en>
  - Document 10:  
[https://ec.europa.eu/food/system/files/2019-05/sc\\_phyto\\_20190415\\_ppl\\_sum.pdf](https://ec.europa.eu/food/system/files/2019-05/sc_phyto_20190415_ppl_sum.pdf)
  - Document 11:  
<https://ec.europa.eu/transparency/comitology-register/screen/documents/061354/3/consult?lang=en>
  - Document 12:  
[https://ec.europa.eu/food/system/files/2020-07/sc\\_phyto\\_20200518\\_ppl\\_sum.pdf](https://ec.europa.eu/food/system/files/2020-07/sc_phyto_20200518_ppl_sum.pdf)
  - Document 13:  
<https://ec.europa.eu/transparency/comitology-register/screen/documents/067115/1/consult?lang=en>
  - Document 14:  
[https://ec.europa.eu/food/system/files/2021-05/sc\\_phyto\\_20210324\\_ppl\\_sum.pdf](https://ec.europa.eu/food/system/files/2021-05/sc_phyto_20210324_ppl_sum.pdf)
  - Document 15:  
<https://ec.europa.eu/transparency/comitology-register/screen/documents/072405/2/consult?lang=en>
  - Document 16:  
[https://ec.europa.eu/food/system/files/2022-03/sc\\_phyto\\_20220330\\_ppl\\_agenda.pdf](https://ec.europa.eu/food/system/files/2022-03/sc_phyto_20220330_ppl_agenda.pdf)
  - Document 17:  
<https://ec.europa.eu/transparency/comitology-register/screen/documents/080345/1/consult?lang=en>

The documents that can be fully or partially released and the list of documents containing the result of the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001 are published on the following Commission webpage:

<https://webgate.ec.europa.eu/dyna/extdoc>

You can view these documents by entering the GestDem reference of your request ("2022/3212") in the search box at the top of the page.

Alternatively, you can click on "view documents per request" and search on the left column for the GestDem reference of your request ("2022/3212").

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

### **3. Protection of personal data**

*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*

With regard to documents numbered 01 and 04 to 06, a complete disclosure 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 information of Member States' representatives;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation<sup>2</sup> 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, 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 the above-listed documents are disclosed redacted of the parts containing personal data.

### **4. 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.

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<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

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  
Secretariat-General  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Bruxelles,

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

#### **5. Acknowledgment of receipt**

According to the standard operational procedure, the reply is sent by e-mail only. We would therefore appreciate if you could explicitly **confirm receipt** of the e-mail **within 5 working days** by replying to [sante-consult-e4@ec.europa.eu](mailto:sante-consult-e4@ec.europa.eu).

Yours sincerely,

Sandra GALLINA