



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
The Director-General

Brussels  
ENV D.1

Mr Fred Logue  
8/10 Coke Lane  
Dublin 7  
IRELAND

*Sent by email with  
acknowledgement of receipt to:  
ask+request-11684-  
6a642cdf@asktheeu.org*

**Subject: Your application for access to documents – GESTDEM 2022/4515**

Ref.: Ares (2022)5630010

Dear Mr Logue,

We refer to your application of 06 August 2022 in which you make a request for access to documents, registered on 08 August 2022 under the above-mentioned reference number.

You request access to all documents containing details of the negotiation between Ireland and the European Commission, including documents showing the various proposals and positions adopted by Ireland and European Commission during the negotiation, in relation to the derogation granted to Ireland from the requirements of the Nitrates Directive and all technical analysis and data produced by either side in relation to water quality and protection of Natura 2000 sites in the context of the various proposals and positions as the negotiations proceeded.

We have identified the documents listed in the annex to this reply as falling under the scope of your request.

We enclose a copy of the documents 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 36.

With regard to the documents 1, 2, 3, 12, 14, 18, 21, 22, 24, 25, 26, 28, 29, 32, 33 and 36 listed above, a complete disclosure of the identified documents 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 and contact information of Commission staff members not pertaining to the senior management.
- the names and contact details of other natural persons.

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 argument to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I 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.

Please note that documents 1, 2, 21, 28, 33 and 36 were drawn up for internal use under the responsibility of the relevant official of the Directorate-General for Environment. They solely reflect the author's interpretation of the interventions made and does not set out any official position of the 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.

Please note that 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 document/documents without the agreement of the originator, who may hold an intellectual property right on it/them. The European Commission does not assume any responsibility from their reuse.

Since documents 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34 and 35 originate from a third party, the originator of the document has been consulted.

The author of the documents 34 and 35 has objected to disclosure of the documents that it sent to the Commission and has motivated its position as follows: *"Currently there are High Court proceedings against the Fifth Nitrates Actions Programme" ... "Therefore we*

*feel that there are grounds to not disclose the above information under Article 4(2) "The institutions shall refuse access to a document where disclosure would undermine the protection of... court proceedings and legal advice... unless there is an overriding public interest in disclosure." ". Based on this reasoning by the consulted author, we conclude that disclosure of documents 34 and 35 would undermine the protection of court proceedings and legal advice, pursuant to Article 4(2), second indent, of Regulation 1049/2001.*

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  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

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

Yours sincerely,

Electronically signed

Florika FINK-HOOIJER

**Enclosures:** List of documents

Zip file with 34 documents