



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels
SANTE.G.5/MH/sb (2023)1434114

Ms Anas Ambri
Andrea Zaimi 5
2113 Aglantzia
Nicosia
By email with acknowledgment of receipt only:
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6fcd0173@asktheeu.org

Dear Anas Ambri,

Subject: Your application for access to documents – EASE 2023/0453

We refer to your email of 5/1/2023 in which you make a request for access to documents, registered on 6/1/2023 under the above-mentioned reference number.

We also refer to our email of 27/1/2023 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001¹.

1. Scope of your request

In your request, you ask on the basis of Regulation (EC) No 1049/2001, access to:

- *copies of reports submitted by Bureau Veritas in its role as the body in charge of control tasks provided by the Regulation mentioned above, for the years 2021 and 2022*
- *copies of objections to Cyprus' application for PDO designation for Halloumi, including those sent by Finland and six natural or legal persons that reside or are based in Cyprus, submitted to the Commission and forwarded to Cypriot authorities*
- *copies of documents shared by German authorities to the EU-Agri Food Fraud Network, as part of the alert raised on July 5 2022 regarding Halloumi products that do not meet the required EU standards under its PDO.*
- *copy of the response received from Cypriot authorities regarding the alert raised on July 5 2022.*

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

- *notes and agendas of meetings conducted with representatives of Cypriot authorities, with representatives from Cypriot industry associations (including from the Turkish Cypriot community), or with Bureau Veritas, for the period from October 2020 until December 2022, on the topic of PDO certification of Halloumi.*

- *correspondence with representatives of Cypriot authorities, with representatives from Cypriot industry associations (including from the Turkish Cypriot community), or with Bureau Veritas, for the period from October 2020 until December 2022, on the topic of PDO certification of Halloumi.*

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of another Directorate-General, parts of your request have been attributed to the Directorate-General for Agriculture (EASE 2023/0125). This reply relates only to the documents held by the Directorate-General for Health and Food Safety. You will receive the replies from the Directorate-General for Agriculture in due course.

2. Identification and assessment of relevant documents

We have identified three 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.

Since all documents include information provided by two Member States, the originators of these documents have been consulted in order to assess whether an exception established in Article 4 of the Regulation applies to these documents.

Having examined the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the consulted Member States, we have come to following conclusion, which is further explained below.

No access can be given to any documents, as their disclosure is prevented by one or more exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001 listed below.

3. Refusal to disclosure

a) *Protection of the commercial interests of a legal person - Article 4(2), first indent, of Regulation (EC) No 1049/2001*

The originator of the documents, the Department of Agriculture of Cyprus, has objected to disclosure of all documents that they sent to the Commission and have motivated its position as follows.

The notification AA22.3917- AC/AA allusion - Violation of product specification for cheese (Hellim/Halloumi PDO) from Cyprus and conversations under the abovementioned notification between conversation 40101 (between Cyprus and Germany) and conversation 43140 (between the EC and Cyprus) include information related to the company that was the subject of the examination (hereinafter referred to as "the company") and its affiliates. Disclosing this information could jeopardise the company's commercial interests as it could be misused by its competitors that have commercial interest in the product.

Therefore, the Cypriot Authorities consider that this information should not be accessible to the public since it would affect commercial interests of a legal person.

Therefore, having taken into account the position of the consulted Member State, we conclude that access to the listed documents has to be refused on the basis of the exception laid down in Article 4(2), first indent, of Regulation 1049/2001.

b) Protection of court proceedings and legal advice - Article 4(2), second indent, of Regulation (EC) No 1049/2001

After the registration of the name Χαλλούμι/Halloumi/Hellim as PDO (Regulation (EU) 2021/591) in the EU register there has been an application for annulment of Regulation (EU) 2021/591 to the General Court of the European Union. The above-mentioned application is still in progress and access to any documents in relation to the enforcement of the PDO might have an impact on the pending case.

In light of the pending case before the General Court of the EU, the Cypriot authorities are of the view that the exception of Article 4(2), second indent, of Regulation (EC) No 1049/2001 applies and access to this document should not be granted.

We have considered whether partial access could be granted to these documents, in accordance with Article 4(6) of the Regulation. However, it follows from the assessment made above that the Department of Agriculture of Cyprus is opposed to the disclosure of all the identified documents concerning the notification AA22.3917.

4. Overriding public interest

The exceptions to the right of access provided for in the first indent of Article 4(2) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the redacted part of the requested documents.

In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

5. 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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by mail:

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

6. 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-G5@ec.europa.eu,

Yours sincerely,

[e-signed]
Sandra GALLINA
Director General

Enclosure: List of the documents