Subject: Your application for public access to documents – EASE Ref No 2023/3627

Dear Mr Daalder,

We refer to your message dated 15 June 2023 in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001.

1. Scope of Your Request

You requested access to the following documents:


I am also requesting documents on all meetings with European Commissioners that took place between 1997 and the present with Louise Fresco representing Syngenta, Rabobank or Unilever, Aalt Dijkhuizen representing Royal De Heus, Agrifacts, Topsector Agri & Food, Dutch Alliance for Sustainable Food, Refresco, Van Hessen or Nutreco and Sjoukje Heimovaara representing Royal Van Zanten.

The documents I’m interested in include but are not limited to:

* Communication, including draft versions, such as: exchanges via e-mail, including attachments, letter, text messages, or phone call notes
* Draft and final version of: official and personal minutes and other meeting notes, invitations, powerpoints, talking points
* Any other documents relating to meetings of European Commissioners with current and former presidents”

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Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, your request has also been attributed to: EASE 2023/3409 (SG), EASE 2023/3410 (SG), EASE 2023/3616 (SANTE), EASE 2023/3630 (ENER), EASE 2023/3629 (ENV), EASE 2023/3631 (MARE), EASE 2023/3632 (CLIMA), EASE 2023/3633 (TRADE).

This reply relates only to the documents held by the Directorate-General for Research and Innovation.

We have identified two documents falling within the scope of the first paragraph of your request, namely: (1) Meeting request; and (2) Briefing RTD94R.

2. EXAMINATION UNDER REGULATION (EC) NO 1049/2001

2.1. Partial access for the first paragraph of the request

We are pleased to inform you that partial access can be granted to documents 1 and 2 as included attached to the present reply. We have only expunged some personal data, which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, as explained below.

Protection of privacy and the integrity of the individual

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where disclosure would undermine the protection of "privacy and the integrity of the individual", in particular in accordance with European Union legislation regarding the protection of personal data.

The requested documents contain personal data such as names, surnames and emails of individuals identified in the document. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725. Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, personal data have been withheld from the requested documents.

2.2. No documents held

We regret to inform you that the Directorate General for Research and Innovation (DG R&I) does not hold any documents corresponding with the description given in the second paragraph of your request, namely :” I am also requesting documents on all meetings with European Commissioners that took place between 1997 and the present with Louise Fresco representing Syngenta, Rabobank or Unilever, Aalt Dijkhuizen representing Royal De Heus, Agrifacts, Topsector Agri & Food, Dutch Alliance for Sustainable Food, Refresco, Van Hessen or Nutreco and Sjoukje Heimovaara representing Royal Van Zanten”.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.
Given that no such documents, corresponding to the description given in the second paragraph of your application, are held by DG R&I, this Directorate General is not in a position to fulfil this part of your request.

3. **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 asking for a review via your portal² account** (available only for initial requests submitted via the portal account),
- **or by mail:**
  
  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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Marc Lemaître