Subject: Your application for access to documents 2023/3262

Dear Mr Burtin,

We refer to your request for access to European Commission documents registered on 08/06/2023 under the above-mentioned reference number.

You request access to

All documents, including (but not limited to) correspondence (emails and letters) between the DG ENVI and relevant companies/organisations (see below) as well as all documents including recordings, transcripts, minutes, notes, attendance lists with names of organisations, lobbyists and other participants, dates, background papers and meeting conclusions regarding meetings between the DG ENVI and said relevant companies/organisations, from January 1 2021 until June 6 2023.

Relevant companies/organisations include World Business Council for Sustainable Development, FoodDrinkEurope, Tropical Forest Alliance (TFA), European Vegetable Oil and Proteinmeal Industry (FEDIOL), Associação Brasileira das Indústrias de Óleos Vegetais (ABIOVE), The European Feed Manufacturers' Federation (FEFAC), Comité du Commerce des céréales, aliments du bétail, oléagineux, huile d'olive, huiles et graisses et agrofourrures (COCERAL), Comité des organisations professionnelles agricoles-Comité général de la coopération agricole de l'Union européenne (COPA-COGECA), Agri-food Chain Coalition (AFCC), Aceitera General Deheza S.A., Glencore, Bunge, Cargill, Dario Ruivo Lda.

We regret to inform you that the Commission does not hold any documents that would correspond to your request for the following companies: World Business Council for Sustainable Development, Tropical Forest Alliance (TFA), Associação Brasileira das
Indústrias de Óleos Vegetais (ABIOVE), Agri-food Chain Coalition (AFCC), Aceitera General Deheza S.A., Glencore, Bunge and Dario Ruivo Lda.

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 your application, are held by the Commission, the Commission is not in a position to fulfil your request.

Your application concerns the attached list of documents.

I am happy to inform you that documents 1, 11.2, 13.3, 14.3, 15.2, 16.3, 17.2, 20.3, 23, 28.1, 28.38, 28.39, 28.4, 40.3, 41.3, 44.3, 45, 46.2, 55, 58.2, 60.2, 67.3, 68.2, 72.3, 74.3, 76.2 and 82.2 are fully disclosed to you.

Furthermore, please note that FoodDrinkEurope, Tropical Forest Alliance, FEDIOL, FEFAC and COPA COGECA are active members of a number of DG Environment’s Expert Groups and other structures and platforms. You can consult the respective entries in the Commission’s transparency register for information on their participation in EU structures and platforms. Then you can consult the Register of Commission Expert Groups for information on the activities of each of the relevant structures and platforms, including links to meeting agendas, minutes and online information platforms. The entry in the Register of Expert Groups also provides a link to the CIRCABC platform, with publicly available meeting documents.

With regard to the documents 2 to 10, 11.1, 12, 13.1, 14.1, 15.1, 16.1, 17.1, 18, 19, 20.1, 21, 22, 24 to 27, 28.7, 29 to 39, 40.1, 40.2, 41.1, 42.1, 44.1, 46.1, 47 to 54, 56, 57, 58.1, 59, 60.1, 61 to 66, 67.1, 67.5, 68.1, 69 to 71, 72.1, 73, 74.1, 75, 76.1, 76.3, 77 to 81, 82.1 and 83 to 86 listed in annex, 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/initi[a]ls and contact information of Commission staff members not pertaining to the senior management;
- the names/initi[a]ls and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of 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 arguments 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.

Documents 5, 31, 35, 36, 39, 40.1, 42.1, 60.1, 62, 68.1, 70, 73, 76.1, 77 and 82.1 were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Environment. It solely reflects the service’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.

Documents 3, 6, 8, 9, 10, 11, 14, 16, 17, 19, 21, 23, 24, 25, 26, 27, 34, 37, 38, 41, 43, 44, 45, 50, 52, 55, 56, 57, 63, 66, 67, 69, 72, 74, 80, 81, 83 and 86 originate from third parties and 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.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents 24, 42 and 43 may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(2) first indent of this Regulation. For document 24, the redacted part of the document is commercially sensitive and competitive, as it contains pricing and volume information that is not made available to competitors and customers and is not otherwise accessible in the public domain and may have an impact on market dynamics if disclosed. For document 42.1, taking into account the opinion of the third party, I regret to inform you that access cannot be granted, due to its sensitive nature and potential commercial consequence for Cargill. Much of the information and content in this document is based on Cargill internal business assumptions, which they consider commercially sensitive. In addition, this document was shared following discussions between Cargill representative and DG Environment; and without that verbal input and explanation, some of the information can be taken out of context or misinterpreted. For document 42.2 and document 43, the sentence redacted contains a number which has been calculated on the basis of Cargill’s price assumptions and is commercially sensitive. This data is not made available to competitors and customers and may have an impact on market dynamics if disclosed.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document/documents. I have examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 portal 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 Bruxelles

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

Yours sincerely,

Electronically signed

Florika FINK-HOOIJER

Enclosure: list of documents falling under the scope of your application
Documents 1 to 86

1 https://www.ec.europa.eu/transparency/documents-request