



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels, **11 MARS 2013**
DG/JMSR/K.2/VA D(2013) 317628

Subject: Your application for access to documents – Ref GestDem No 2012/4684

Dear Sir,

We refer to your e-mail dated 10/10/2012 in which you make a request for access to documents, registered on 12/10/2012 under the above mentioned reference number.

Please note that the individual inputs received in response to the 2007 on-line questionnaire on the Food Distribution programme for the Most Deprived People are not available any more. Nonetheless, the full results of the internet consultation are available in annex to the report published on our website: http://ec.europa.eu/agriculture/markets/freefood/consult/results_en.pdf.

Moreover, further to our e-mail of 31/10/2012, please find enclosed the list of 15 documents identified for your request as well as the documents requested.

These documents were received by the Commission from third parties in addition to the replies sent directly to the on-line questionnaire. They are disclosed for information only and cannot be re-used without the agreement of the originator, who may hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Some of the documents contain personal data. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

Mr Christopher McClure
ask+request-222-8af400ff@asktheeu.org

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Bruxelles

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

Please note that the personal data in the documents no 6 and 7 have not been deleted because they are currently available on our website:

http://ec.europa.eu/agriculture/markets/freefood/consult/results_en.pdf

Yours faithfully,

Pour le Directeur Général empêché
Loretta DORMAL MARINO
Directeur Général Adjoint


José Manuel SILVA RODRIGUEZ

Attachments: 16

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: L130 4/160A - Tel. direct line +32 229-51049 - Fax +32 229-50130