



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels,
ENV.A.3/NP

***By registered letter with
acknowledgment of receipt***

Ms Rachel Tansey
Corporate Europe Observatory
(CEO)
26 rue d' Edimbourg
1050 Brussels
Belgium

Advance copy by e-mail:
ask+request-2680-f45cc608@asktheeu.org

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2016/1304

We refer to your e-mail dated 10/03/2016 in which you make a request for access to documents under the above mentioned reference number and our holding reply Ref. Ares(2016)1672113 of 08/04/2016.

You requested: *"...correspondence, including emails, between DG Environment officials and DG Trade officials concerning chemicals and/or pesticides in TTIP, since 1 November 2014."*

We enclose copies of the documents identified to fall in the scope of your request and a link to the website of DG TRADE with the most relevant and updated documents on Chemicals that are already tabled in TTIP:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1192>

Please note that the enclosed documents are drafts which do not reflect the final position of the Commission, cannot be quoted as such and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission itself.

In addition, we identified correspondence which is prevented for disclosure by the exception to the right of access laid down in Regulation (EC) No 1049/2001 regarding public access to documents, Article 4 (1)(a), third indent ("international relations"), thereby protecting the EU's negotiating position in the ongoing negotiations in TTIP.

We have considered whether partial access could be granted to this correspondence. However, the limited remaining parts after expunging the confidential information is meaningless.

Finally, the documents disclosed contained 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.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or 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.

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, as well as for the documents not disclosed due to the ground of international relations, 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-4
BERL 5/282
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Daniel Calleja

Annex: List of documents GESTDEM 2016-1304

¹ Official Journal 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, ECR 2010 I-06055.