

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Director-General

Brussels,
SANTE/E4/AS/np (2016)2664250

**By registered mail with
acknowledgment of receipt**

Advance copy by email:

[ask+request-2746-
ccebcc0f@asktheeu.org](mailto:ask+request-2746-ccebcc0f@asktheeu.org)

Dear Ms Holland,

Subject: Your application for access to documents – Ref. GestDem 2016/1623

We refer to your email dated 31/03/2016 in which you made the request for access to documents registered on 01/04/2016 under the above mentioned reference number.

1. Scope of your request

In your request you asked access on the basis of Regulation (EC) No 1049/2001¹ to

“On the topic of glyphosate, all correspondence (including emails), the list of meetings with detailed minutes and any other reports of such meetings between DG SANTE’s officials (including the Commissioner and his Cabinet members) and representatives of the following actors:

- *Glyphosate Task Force*
- *European Crop Care Association (ECCA)*
- *European Crop Protection Association (ECPA)*
- *Monsanto*
- *Hume Brophy*
- *CropLife America*
- *American Chamber of Commerce to the European Union (AmCham EU)*
- *US Mission to the EU*
- *USA Government or US government bodies or representatives*

Or any organisation or consultancy firm representing any of these actors between 15 August 2015 and now [31 March 2016]”.

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

Ms Nina Holland
Corporate Europe Observatory
Rue d’Edimbourg
B – 1050 Brussels

2. Identification of the concerned documents

We have identified 15 documents as falling under the scope of your request (see table attached to this reply).

3. Assessment of the documents

Having examined the documents, we have come to the conclusion that:

- i) full access cannot be granted to any of the documents;
- ii) partial access can be granted to the documents under numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 15;
- iii) the documents under numbers 11 and 14 are protected in their entirety.

Please find attached the documents under numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 15 as well as a table containing the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001.

You may reuse Commission documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Documents originating from third parties cannot be re-used without the agreement of the originators.

4. Reasons for refusal

The documents 11 and 14 requested contain the draft Commission review report on the active substance glyphosate as well as comments on the review report.

These documents relate to a decision which has not yet been taken by the Commission, and contain information related to the ongoing renewal process of glyphosate under the Plant Protection Product Regulation². The premature disclosure of these documents would seriously undermine the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure.

Therefore, the exception laid down in Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 applies to these documents.

We have considered whether partial access could be granted to the documents 11 and 14. However, these documents are entirely covered by the exception.

5. Overriding public interest

The exception to the right of access provided for in Article 4(3), first paragraph, of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing 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 grounds 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. The

² Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

public interest in this case is rather to protect the Commission's ongoing institutional and political decision-making process.

6. Protection of personal data

The documents under numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 15 contain personal data, such as the names of Glyphosate Task Force staff, or Commission's non-managerial staff. 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 45/2001³.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable. 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 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 such personal data.

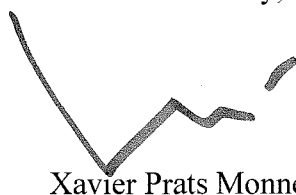
7. Means of redress

May you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below. The Secretary-General will inform you of the result of such review within 15 working days from the date of registration of your request. You will either be given access to the documents or your request will be rejected, in which case you will be informed of what further action is open to you.

All correspondence should be sent to the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Xavier Prats Monné

³ 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 data (OJ L 8, 12.1.2001, p. 1).

Annexes:

- 13 documents
- Table with the list of the documents within the scope of GestDem 2016/1623