

EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Director General

Brussels,
SANTE/E4/FF/

**By registered mail with
Acknowledgment of Receipt**

Mr Francesco Paniè
Via Cherso 58
00177 Rome
Italy

**Advance copy by email:
ask+request-2934-
4ff751ef@asktheeu.org**

Dear Mr Paniè,

Subject: Your application for access to documents – Ref GestDem No 2016/2793

We refer to your e-mail dated 18 May 2016 in which you make a request for access to documents, registered on 19 May 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 "*a list that contains all names and surnames of members of the Standing Committee on Plants, Animals, Food and Feed - Phytopharmaceuticals that attended the 18-19th May meeting*".

2. Reasons for refusal

The document requested contains personal data, such as names, e-mail addresses and signatures of Commission and Member States authorities staff members. 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 EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001².

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

² 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).

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.³ 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.

We have considered whether partial access could be granted to this document. The exception laid down in Article 4(1)(b) Regulation (EC) No 1049/2001 applies to the full content of this document as it is a distribution list.

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.

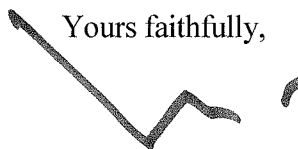
3. Means of redress

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 (EC) No 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 faithfully,



Xavier Prats Monné

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.