



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,
DG/JP/L.3/KVK/RW D(2017) 3694010

Ms. Nina Holland
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Belgique
By registered letter with acknowledgment of receipt

Advance copy by email: ask+request-4376-273765c2@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/3503

Dear Madam,

We refer to your e-mail dated 9/06/2017 in which you submit a request for access to documents, registered on 9/06/2017 under the above mentioned reference number.

Scope of the request

You request access to

- Any documents between January 2016 and now, including briefings, reports, correspondence (email or other), where the active substance glyphosate is concerned or mentioned, between DG Agriculture (Commissioner, cabinet and officials) and third parties (including other DGs).

- A list of meetings, as well as agendas and minutes or any other reports of such meetings, between January 2016 and now, where the active substance glyphosate is concerned or mentioned, between DG Agriculture (Commissioner, cabinet and officials) and third parties (including other DGs).

We consider your request to cover documents held up to the date of your initial application, i.e. 9/06/2017.

We have identified eight documents that fall within the scope of your request. Please find them attached to this reply.

Four of these documents are minutes of meetings. One document is the answer from the Directorate-General for Agriculture and Rural Development to an Inter-Service-Consultation, which was initiated by the Directorate-General for Health and Food Safety. Three documents are briefings for Commissioner Hogan. The list of documents is also provided in the annex.

Please be aware that documents numbers 2 to 8 of this list also contain information which are out of scope of your request. Therefore, those parts have been redacted.

Please be as well informed that no list of meetings or agendas exist in our Directorate General, where the active substance glyphosate is concerned or mentioned.

Protection of privacy and integrity of individuals

All documents to which you have requested access contain personal data which have been redacted.

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.

Protection of the decision-making process

Having examined document 6 requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that it may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by the exception to the right of access laid down in Article 4(3) of this Regulation.

The redacted parts of document 6 contain speculations about possible views of Member States and their voting behaviour. These speculations were meant for internal use, as a basis to inform the internal reflection and prepare input for the decision-making process regarding a possible re-authorisation of the active substance glyphosate. Assessments and intensive discussions in 2016 lead to a short-term extension of the authorisation, which is currently being re-discussed with the Member States. A public release of such speculations would seriously undermine the institution's decision-making process by revealing internal considerations.

The exceptions laid down in Article 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the document.

An overriding public interest in disclosure of the described speculations could not be identified.

Means of redress

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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:

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.

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 sincerely,



Pour le Directeur Général empêché
Rudolf MOEGELE
Directeur Général Adjoint

Jerzy PLEWA

Annex: list of identified documents and 8 documents