Subject: Your application for access to documents – Ref GestDem No 2018/6665

Dear Mr Hoedeman,

We refer to your e-mail dated 11 December 2018, registered on the same date under the above mentioned reference number, in which you make requests for access to:

"- all reports (and other notes) from meetings between the European Commission and representatives of the tobacco industry (producers, distributors, importers etc, as well as organisations and individuals that are funded by and/or work to further the interests of the tobacco industry), during 2018
- all correspondence (including emails) between the European Commission and representatives of the tobacco industry (producers, distributors, importers etc. as well as organisations and individuals that are funded by and/or work to further the interests of the tobacco industry), during 2018
- a list of all the above-mentioned documents (including dates, names of participants/senders/ recipients and their affiliation, subject of meeting/correspondence. Please exclude all documents we have already received as a result of our access-to-document request tabled on February 05 2018",

Your initial request was addressed to the Secretariat-General, who split the request over eight Directorates-General. Each DG dealt with the documents related to their policy. The current reply covers the documents relating to meetings between DG Taxation and Customs Union and representatives of the tobacco industry

Fair solution

On 22 January 2019, my services informed you that we identified 17 documents and their 12 annexes documents, 11 of which originate from the Commission and 6 (including the annexes) from stakeholders in the tobacco industry. The complexity of a multiple DG request generated an
additional amount of work. To deliver these documents within the regulatory deadline, we would have had to allocate a disproportionate amount of resources to process your request. We therefore proposed a fair solution to reduce it to a more manageable amount of processing 10 documents.

**Documents selected**

As we did not receive any reaction from you to our proposal for a fair solution, we consequently informed you on 1 February 2019 that your request would be handled in accordance with that proposal. My services have selected 10 documents originating from the Commission from the list with identified documents (we have maintained the numbering of the proposed fair solution list):

<table>
<thead>
<tr>
<th>Document Name in Ares</th>
<th>ARES Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) MEETING REPORT - Raw tobacco – Dir 2011/64/EU. 17 April 2018</td>
<td>Ares(2018)2350448</td>
</tr>
<tr>
<td>6) Report meeting 17.7.2018 with Imperial Brands and Altadis on Dir 2011/64/EU</td>
<td>Ares(2018)3826051</td>
</tr>
<tr>
<td>8) Report meeting held 18.7.2018 with Al Fakher Tobacco Factory on Dir 2011/64/EU</td>
<td>Ares(2018)3862993</td>
</tr>
<tr>
<td>10) Meeting report CECCM December 4 2018</td>
<td>Ares(2018)6368396</td>
</tr>
<tr>
<td>12) Minutes Excise Contact Group meeting 31.5.2018</td>
<td>Ares(2018)3766242</td>
</tr>
<tr>
<td>14) Minutes Excise Contact Group meeting 26 11 2018</td>
<td>Ares(2018)6493907</td>
</tr>
<tr>
<td>15) Letter to EP-Received feedback on legislative proposal for general arrangements excise duty – harmonisation &amp; simplification</td>
<td>Ares(2018)4695310</td>
</tr>
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</table>

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to inform you that Commission agrees with the disclosure of documents 1, 5, 6, 8, 9, 10, 11.

The other topics (alcohol, distance sales) mentioned in documents 12, 14 and 15 have been redacted, because they fall outside the scope of your request (tobacco).

**Personal data**

The documents to which you have requested access 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 2018/1725. Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

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 document requested expunged from this personal data.

**Fair use**

You may reuse the document requested 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 document. Please note that the Commission does not assume liability stemming from the reuse.

In view of the nature of the documents, we would like to stress that Commission officials draft reports for internal use. These reports are usually of value only for a limited time. These documents are intended for internal Commission use only and have not been agreed upon or discussed with any of the other participants at the meeting. Therefore, they constitute a subjective view of the contents of the meetings covered and cannot in any way be regarded as official minutes of the meeting.

**Confirmatory application**

In case you would disagree with the overall assessment of the documents or 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.

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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, Document Management & Access to Documents (SG.C.1)  
BERL 5/282  
B-1049 Bruxelles  
or by email to: sg-acc-doc@ec.europa.eu  

Yours sincerely,

Momchil Sabev

Annexes: as stated above