



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Safety of the Food Chain
Chemicals, contaminants, pesticides

Ref. Ares(2013)3101740 - 24/09/2013

Brussels,
SANCO/E3/FF/np

Dear Ms Horel,

Subject: Your application for access to documents – Ref GestDem No 2013/3636, point 3

We refer to your e-mails dated 26 August 2013 and 3 September 2013 related to point 3 of your request for access to documents registered on 16 July 2013 under the above mentioned reference number.

Your application is currently being handled and we have identified the documents falling within the scope of your request. In particular, GestDem No 2013/3636, point 3, concerns the following documents:

- 1) E-mail of 28 May 2013 from Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit to DG SANCO, Ares(2013)1743786.
- 2) DE Position Paper on Endocrine Disruptors, Ares(2013)1743786, 24/05/2013.
- 3) E-mail of 28/05/2013 from ECETOC, subject: "ECETOC Annual Technical Meeting - 13 June 2013 , Brussels Schuman area".
- 4) ECETOC Annual Technical Meeting Programme, 13 June 2012, attached to e-mail of 28/05/2013 from ECETOC.
- 5) Minutes with the meeting with CEFIC of 4 March 2013.
- 6) BTO meeting E3 pesticides/ECPA -CEFIC on endocrine disruptors 28 February 2013.
- 7) Meeting with Bayer on endocrine disruptors, 12 June 2013.
- 8) E-mail of 19 June 2013, from EEAS-GENEVA to DG SANCO subject: "June SPS Committee: Request for Bilateral Meeting".
- 9) Internal e-mail DG SANCO of 27/03/2013 "D/597136 Report of the SPS Committee, 21-22 March 2013 , Geneva".
- 10) ANNEX TO THE SUMMARY REPORT OF THE 56TH SPS COMMITTEE, p. 11, point b).
- 11) Internal e-mail of 28 June 2013 on "Draft Minutes of the May 30, 2013 Teleconference".

Ms Stéphane Horel

e-mail: ask+request-650-477705f1@asktheeu.org

- 12) Minutes of the International Food Chemical Safety Liaison Group (IFCSLG) Teleconference, May 30, 2013, p. 3, point "Endocrine disruptors".
- 13) Internal e-mail of DG SANCO of 28/05/2013, subject: "IFCSLG teleconference - May 30".
- 14) IFCSLG Agenda attached to e-mail DG SANCO of 28/05/2013.
- 15) E-mail of 22 July 2013 from ECPA to DG SANCO, object: "ECPA considerations on ED", sancoddg2.e.3(2013)2884358.
- 16) Considerations on potency in the development of endocrine disruption regulatory criteria, attached to E-mail of 22 July 2013 from ECPA to DG SANCO, sancoddg2.e.3(2013)2884358.
- 17) E-mail from CEFIC to DG SANCO et al. of 13 June 2013, subject: "Response to Questions Asked Prior to the 7th Ad hoc meeting on EDs.", sancoddg2.e.3(2013)2884470.
- 18) Letter CEFIC, ECPA and PlasticsEurope attached to e-mail from CEFIC to DG SANCO et al. of 13 June 2013, sancoddg2.e.3(2013)2884470.
- 19) CEFIC's response attached to e-mail from CEFIC to DG SANCO et al. of 13 June 2013, sancoddg2.e.3(2013)2884470.
- 20) E-mail from ECPA to DG SANCO of 22 July 2013, subject: "ECPA letter - ED Criteria and recent EFSA opinion", sancoddg2.e.3(2013)2884584.

- 21) Letter from ECPA attached to the e-mail from ECPA to DG SANCO of 22 July 2013, sancoddg2.e.3(2013)2884584.
- 22) "Potential impact of current draft proposal for endocrine disruption criteria", attached to the e-mail from ECPA to DG SANCO of 22 July 2013, sancoddg2.e.3(2013)2884584.
- 23) E-mail from ECPA to DG SANCO of 11 March 2013, sancoddg2.e.3(2013)2884737.
- 24) PP/13/AP/22658 - Rev.1. "Potential impact of current draft proposal for endocrine disruption criteria", attached to the e-mail from ECPA to DG SANCO of 11 March 2013, sancoddg2.e.3(2013)2884737.
- 25) E-mail of 5 March 2013 from ECPA to DG SANCO, subject: "US EPA response to the EU Proposed Criteria for Endocrine Disruptors (first version)", sancoddg2.e.3(2013)2884823.
- 26) E-mail of 18 July 2013 from Bayer to DG SANCO, subject: "ED", sancoddg2.e.3(2013)2885731.
- 27) PP/13/AP/22658 - Rev.2., subject: "Potential impact of current draft proposal for endocrine disruption criteria", attached to the e-mail of 18 July 2013 from Bayer to DG SANCO, sancoddg2.e.3(2013)2885731.
- 28) "Overview of the potential impact the withdrawal of azoles as a result of an inappropriate endocrine disruption definition may have upon wheat disease control programmes and production in Ireland", attached to the e-mail of 18 July 2013 from Bayer to DG SANCO, sancoddg2.e.3(2013)2885731.

In your e-mail of 26 August 2013 you underlined that you are "surprised that such a large number of documents exists on the topic and" that you are "not convinced that Article 6(3) [of Regulation (EC) No 1049/2001] actually applies". At this respect, we believe that this Article is fully applicable since, in consideration of the high number of applications for access to documents that you submitted on the same day, you requested a large number of documents which need to be assessed individually. Moreover, the handling of your requests involves the assessment of documents originating from third parties and therefore we need to consult them in accordance with Article 4 of Regulation (EC) No 1049/2001.

As stated by the Court of First Instance in the case *Verein für Konsumenteninformation v Commission* when a request relates to a very large number of documents and so imposes a volume of work which is likely to undermine the work of its services, the Commission retains the right to balance the interest in public access to documents with that of good administration.¹

In your letter of 26 August 2013 you proposed us to release the documents in prioritisation and to precise the release timeline.

We agree to handle your application in two successive stages regrouping your applications in the following batches as this division might slightly simplify the assessment of the documents and the consultation, when required, with the third parties and the Member States concerned:

a) **Batch 1** by 31st October 2013: documents 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 (correspondence internal to DG SANCO and correspondence with Germany and USA).

b) **Batch 2** by 30th November 2013: documents 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 (correspondence with third parties).

We will send you, at these regular intervals, batches of documents which have been cleared for release or a reasoned reply explaining why some documents cannot be disclosed.

If you have any questions concerning this proposal, please contact us at the following e-mail address:

sanco-consult-e3@ec.europa.eu.

Thank you in advance for your understanding.

Yours sincerely,



Michael Flüh
Head of Unit

¹ Case T-2/03, [2005] ECR II-01121, para 102.