



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL
Director General

Brussels, *Ares (2013) 3255246*
SANCO/E3/FF/iv

Dear Ms Horel,

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

We refer to your e-mail dated 11/07/2013 in which you made a request for access to documents, registered on 16/07/2013 under the above mentioned reference number.

1. Scope of your request

In particular, in point 3 of your application you have requested *"on the topic of endocrine disrupters (also spelled: disruptors), all correspondence (including emails), the list of meetings with detailed minutes and any other reports of such meetings between DG SANCO's officials and representatives of the following organisations: - CEFIC, - PlasticsEurope, - European Crop Protection Association (ECPA), - European Council for Plasticisers and Intermediates (ECPI), - Bayer, - BASF, - Dow, - DuPont, - Syngenta, - L'Oréal, - Cosmetics Europe, - European Centre for Ecotoxicology and Toxicology of Chemicals (ECETOC), - American Chemistry Council, - BusinessEurope, - American Chamber of Commerce to the European Union (AmCham EU), - USA Government, - UK Government, - German Government, - The German Bundesinstitut für Risikobewertung (BfR), - French Government (between June 2011 and July 2013)".*

2. Identification of the concerned documents

As we indicated in our letter Ares(2013)3101740 sent to you on 24/09/2013 and attached to this letter, we identified 28 documents falling within the scope of GestDem No 2013/3636, point 3.

In your e-mail of 25/09/2013 you indicated that you are no longer requesting access to documents numbers 1, 2, 22, 24, 25, 27 and 28. Therefore these documents will not be considered for the purpose of this request.

Ms Stéphane Horel

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3. Assessment of the documents

Having examined the content of the documents under numbers 3 to 21, 23 and 26, we have come to the conclusion that:

- i) full access can be granted to documents under numbers 4, 16, 19.
- ii) partial access can be granted to documents under numbers 3, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 20, 21, 23, 26.
- iii) documents under numbers 8, 9 and 10 are protected in their entirety.

Please find attached documents 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 26 and a table containing the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents ¹.

4. Reasons for refusal

The documents under numbers 8, 9 and 10 contain information that concern, among others, the on-going discussions between the European Union and the United States of America on the topic of endocrine disruptors in the context of the WTO SPS Committee. These documents contain information relating to US policy and their disclosure would undermine the on-going international consultations on the topic of endocrine disruptors. Releasing such documents would undermine the credibility of the Commission to take part in negotiations with the US Government on a confidential basis and create tensions in the relations with this third Country. Therefore the exception laid down in third indent of Article 4(1)(a)² applies.

5. Protection of personal data

Documents under numbers 3, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 20, 21, 23, 26 contain personal data, such as names, e-mail addresses, telephone numbers, signatures of national administration personnel, as well as staff of private associations. 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 data³.

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,

¹ OJ L 145, 31.5.2001, p. 43.

² Article 4(1)(a), third indent, states that "*1. The institutions shall refuse access to a document where disclosure would undermine the protection of: (a) the public interest as regards: [...] - international relations*".

³ OJ L 8, 12.1.2001, p. 1.

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.

6. Means of redress

Should 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 document 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-5
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Paola Testori Coggi

Annexes:

- Letter Ares(2013)3101740
- 18 documents
- Table with the list of the documents within the scope of this request