

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels,
ENV.A.3/JZ/np

Ms Stéphane Horel

By e-mail: ask+request-658-41d96814@asktheeu.org

Dear Madame,

Subject: Your applications for access to documents – Ref GestDem No 2013 – 3765

We refer to your e-mail dated 11/07/2013 in which you make a request for access to documents, registered on 17/07/2013 under the above mentioned reference number. The initial deadline was extended with two holding replies Ref. Ares (2013) 2928254 of 26/08/2013 and Ref. Ares (2013) 3070470 of 17/09/2013 following an agreement with you by telephone conversations. Meanwhile, a pack of documents on the correspondence between DG-Environment's officials and several stakeholders on the topic of Endocrine Disrupters has been disclosed to you under Ref. Ares (2013)3180360 of 03/10/2013 (Ref GestDem No 2013 – 3653).

At the outset of this letter please accept our apologies for the delay of the response on this request and for the inconvenience this may have caused.

We examined the requested documents in the light of the exemptions to the right of access provided in Article 4 of Regulation (EC) No 1049/2001. We have come to the conclusion that three of the documents falling within the scope of your request cannot be disclosed as the exemption in Article 4(3) first subparagraph applies. These documents are:

- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, Version 8
- Commission Document of XXXX on Defining criteria for identification of endocrine disruptors
- Commission Staff Working Document on review of the Community Strategy for Endocrine Disrupters

Other document, which fall within the scope of your request, may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by

the exceptions to the right of access laid down in Articles 4(1) (b) and 4(3) first subparagraph of this Regulation as pointed out below in point a) and b).

Please find enclosed with this letter an annex, listing all the relevant documents and indicating which exemptions apply to which documents.

a) exception applied according to Article 4(3) first subparagraph of Regulation (EC) No 1049/2001

The documents that cannot be disclosed and the expunged parts of the partially disclosed documents relate to a matter where the decision has not been taken yet by the institutions. Their disclosure would undermine the institutions' decision-making process concerning establishment of criteria for identification of endocrine disruptors (EDs); the new EU strategy on EDs; and the review of Regulation (EC) No 1907/2006, pursuant to Article 138(7) thereof. Therefore, the exception in Article 4(3) applies.

The exception laid down in Article 4(3) of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the documents. Having carefully examined your request in the light of Article 4(3) of Regulation 1049/2001, we have been unable to identify in this particular case the existence of an overriding public interest which could justify the disclosure of the requested document. We also note that you have not put forward any arguments demonstrating the existence of a public interest capable of overriding the public interest protected by Article 4(3), first subparagraph of Regulation 1049/2001.

b) exception applied according to Article 4(1)(b) of Regulation (EC) No 1049/2001

In addition, some of 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 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.

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, 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 this personal data.

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.

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.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, in case you would disagree with the assessment under point a) and b) above, 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:

European Commission

Secretary-General

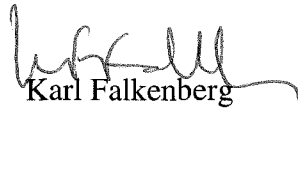
Transparency unit SG-B-4

BERL 5/327

B-1049 Bruxelles

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

Yours faithfully,



Karl Falkenberg

