



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate I. Legal, institutional and procedural matters

I.3. Enforcement of legislation, Relations with the European Ombudsman and Access to documents
Head of Unit

Brussels,
I.3/KVK/VA D (2020) 4298129

Mr. Alexander Fanta
ask+request-7504-4146ccb2@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2020/2250

Dear Sir,

We refer to your e-mail of 17/04/2020 in which you make a request for access to documents, registered on 20/04/2020 under the above-mentioned reference number.

You request access to: *“The communications with stakeholders in the process of drafting the Regulation (EC) No 2257/94, including minutes of meetings with company and trade association representatives (i.e. lobbyists) as well as letters, position papers and other documents from such persons or groups, such as submissions to stakeholder consultations. The time frame should be from the first public proposal of the law until its adoption.”*

We identified 41 documents of which 29 were attached in our first letter of 02/06/2020.

For the other twelve documents, No 5, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18 and 19 that originate from third parties, we have made consultations and received positive replies. You can find a copy of them in this letter.

With regard to the attached documents, a complete disclosure of them is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

The documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels,

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

Yours faithfully,

Karl von Kempis
e-signed

Encl.: 12 doc. + 1 list