



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems, medical products and innovation
Cross-border health care and tobacco control

Brussels
SANTE.DDG1.B.2/AS/kms(2020)3953176

Oliver Hoedeman
Corporate Europe Observatory (CEO)
Rue d'Edimbourg 26,
1050 Brussels,
Belgium

Only by email to:
ask+request-7922-7b5b9932@asktheeu.org

Dear Mr. Hoedeman,

Subject: Your application for access to documents – GESTDEM 2020/2865

We refer to your email dated 30 April 2020 in which you make a request for access to documents, registered on 14 May 2020 under the above-mentioned reference number.

We also refer to our letter of 9 June 2020 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

On the basis of Regulation (EC) 1049/2001, you request access to documents clarifying the European Commission's implementation of the FCTC obligation to develop a specific approach for contacts with the tobacco industry.

We understand that your request concerns documents produced by all Commission Directorates General containing information about the "rules, instructions and guidance for European Commission officials about dealing with the tobacco industry" and "outlining their approaches to protecting policy-making from commercial and other vested interests of the tobacco industry".

We consider your request to cover documents held up to the date of your initial application, i.e. 14 May 2020. Please note that this reply relates only to the documents held by the Directorate-General for Health and Food Safety.

2. Identification and assessment of documents

We have identified one document and enclose a copy of it, namely a note of the Director-General of DG SANTE for the management team on “meetings with tobacco industry”, dated 14 February 2011 (Ref. Ares(2011)158241).

With regard to the document identified above, a complete disclosure of the identified documents 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, we 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.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the document disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and 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.

3. Means of redress

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 sincerely,

Thea EMMERLING
Head of Unit

Enclosure: Note of the Director-General of DG SANTE for the management
team on "meetings with tobacco industry"