



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Directorate E – Food and Feed Safety, Innovation
E2 – Food processing technologies and novel foods

Brussels,
DG SANTE/E2/JB/amf (2020)

Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Brussels

Advance copy by email:
ask+request-8370-4a133152@asktheeu.org

Dear Ms Cann,

Subject: Your application for access to documents – GESTDEM 2020/4359

We refer to your e-mail dated 16 July 2020 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001¹, registered on the same date under the above-mentioned reference number.

We also refer to our letter of 04 August 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

In your application, you request access to:

“a list of all lobby meetings (including face to face, phone calls, conference calls etc) held since 29 January 2020 where the Chemicals Strategy for Sustainability was discussed. The list should include the names of the individuals and organisations participating; the date; the agenda; and any minutes / notes produced”. You additionally requested access to “any emails or other correspondence from lobby groups related to the Chemicals Strategy for Sustainability received or sent since 29 January 2020.”

We consider your request to cover documents held up to the date of your initial application, i.e. 16 July 2020.

This reply relates only to the documents held by Directorate-General for Health and Food Safety. We understand that you have made the same request to other Directorates-General², and you will receive the replies from the other Directorates-General in due course.

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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 documents 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 documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that 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.

Please also note that some of the documents were drawn up for internal use under the responsibility of the relevant directorate in the Directorate-General for Health and Food Safety. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

2. Identification and assessment of the documents

We have identified 21 documents as falling under the scope of your request.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001

Having examined all the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the third party, we have come to following conclusion, which is further explained below:

- Full access can be granted to documents No 3 to 7 and document No 9;
- Partial access can be granted to documents No 1, 2, 8 and 10 to 21, as their full disclosure is prevented by one exception to the right of access laid down in Article 4 of the Regulation).

3. Reason for partial access

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

A complete disclosure of the identified documents No 1, 2, 8 and 10 to 21 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;
- other information relating to an identified or identifiable natural person such as office and phone numbers.

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 mentioned above, 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.

Therefore, partial access is granted to the above mentioned documents, expunged of personal data.

4. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

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

Yours faithfully,

Bruno Gautrais
Head of Unit

Annexes: List of 21 documents falling within the scope of the request with the assessment and 21 fully or partially disclosed documents

