



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels  
SANTE.E.1/HM/Id (2020)7999366

***By registered letter with  
acknowledgment of receipt<sup>1</sup>***

Ms Louise Molling  
Granitzstr. 2 13189 Berlin  
Germany

***Advance copy email:***  
[ask+request-8770-  
535a27e9@asktheeu.org](mailto:ask+request-8770-535a27e9@asktheeu.org)

Dear Ms Molling,

**Subject: Your application for access to documents - Ref GestDem No 2020/6921**

We refer to your e-mail dated 13 November 2020 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

**1. Scope of your request**

On the basis of Regulation (EC) No 1049/2001<sup>2</sup> you requested access to the following documents:

- Any correspondence from companies and associations (letters, e-mails, etc.) from the food industry on Nutri-Score, in the period June 2020 - November 2020.

We consider your request to cover documents held up to the date of your initial application, i.e. 13 November 2020.

**2. Identification and assessment of relevant documents**

We have identified 7 documents that fall within the scope of your request.

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<sup>1</sup> According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

<sup>2</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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.

Since 7 documents originate from a third party, in accordance with Art. 4(4) of Regulation (EC) 1049/2001, the originators of the documents have been consulted in order to assess whether an exception established in Article 4 applies to these documents.

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

- Full access can be granted to documents No 1.1, 2.1, 3.1 and 3.2;
- partial access can be granted to documents No 1, 2 and 3 as their full disclosure is prevented by an exception to the right of access laid down in Article 4 of the Regulation);

We enclose a copy of the documents No 1, 2 and 3 redacted of the parts which cannot be disclosed as further explained below.

Parts that are outside the scope of your request are also withheld, labelled as 'out-of-scope'.

Please note that a document originating from third parties is 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 document 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.

### **3. Partial disclosure of documents**

*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*

With regard to documents 1, 2 and 3, 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;
- other information relating to an identified or identifiable natural person including their job titles.

When access is requested to documents containing personal data, Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data<sup>3</sup> becomes fully applicable<sup>4</sup>.

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<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and

Article 9(1)(b) of this 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

Therefore, in accordance with the above-mentioned exception, partial access is granted to documents No 1, 2 and 3, expunged of personal data.

#### **4. Means of address**

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 Secretary-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 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Sandra Gallina

Enclosures: List with the assessment and 7 partially or fully disclosed documents

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agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

<sup>4</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.