



EUROPEAN COMMISSION
CONSUMERS, HEALTH, AGRICULTURE AND FOOD EXECUTIVE AGENCY
Promotion of Agricultural Products Unit
Head of Unit

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Subject: Your application for access to documents – Ref Ares(2021)738921

Dear Sir,

We refer to your two e-mails dated 29 January 2021 in which you make a request for access to documents, registered on 29/01/2021 under the above-mentioned reference number.

You request access to:

1. All documents and correspondence related to the proposition, organization and development of the “Pork lovers Europe campaign”, including the details of expenditure and its beneficiaries.
2. Meeting records (emails, minutes, reports, briefing papers, drafts, memos...) involving officials and/or people representing the interests of the European agri-cooperatives (COGECA), Coordinadora de Organizaciones de Agricultores y Ganaderos - Iniciativa Rural (COAG), Cooperativas Agro-alimentarias de España and Asociación Nacional de Productores de Ganado Porcino (ANPROGAPOR).
3. Correspondence within Chafea personnel and/or the European institutions concerning the organizations above-mentioned.

The following documents related to your request are held by the Consumers, Health, Agriculture and Food Executive Agency (CHAFEA) and are related to the grant application for the “Pork lovers Europe campaign”:

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| 1. Administrative information | proposal-734563-PART_A |
| 2. Technical content of proposal | proposal-734563-PART_B |
| 3. Statutes of applicant organisations | proposal-734563-PART_B_Section_2 |
| 4. Annex on representativeness | proposal-734563-PART_B_Section_3 |
| 5. Information on financial capacity | proposal-734563-PART_B_Section_4 |
| 6. Audit report | proposal-734563-PART_B_Section_5 |
| 7. Technical content of proposal (EN translation) | proposal-734563-PART_B_Section_6 |
| 8. Budget by activity | proposal-734563-PART_B_Section_7 |

Consumers, Health, Agriculture and Food Executive Agency, 2920 Luxembourg, LUXEMBOURG - Tel. +352 43011
Office: DRB A3/020 - Tel. direct line +352 4301-33334

<http://ec.europa.eu/chafea/>

Having examined the above-mentioned documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

The documents, which you seek to obtain, are non-accessible based on a general presumption of non-disclosure and the need to protect the commercial interest and the privacy of the grant applicants, which exists even after finalisation of the grant award procedure. Disclosure of the documents requested would undermine the protection of:

1. The commercial interests of the organisation that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

We have considered whether partial access could be granted to the documents requested and concluded that it is not possible to grant access to an expunged version of the documents. The documents may be entirely covered by the exceptions or the remaining parts after expunging the confidential information might be meaningless or illegible.

2. Privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

Pursuant to Article 9(1)(b) of Regulation (EU) 2018/1725, 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if '[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'.

Only if the conditions for transfer defined in the Regulation are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts. Therefore, the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001 applies to this document.

In your application, you also make a request for:

1. All documents and correspondence related to the organization and development of the "Pork lovers Europe campaign", including the details of expenditure and its beneficiaries.
2. Meeting records (emails, minutes, reports, briefing papers, drafts, memos...) involving officials and/or people representing the interests of the European agri-cooperatives (COGECA), Coordinadora de Organizaciones de Agricultores y Ganaderos - Iniciativa Rural (COAG), Cooperativas Agro-alimentarias de España and Asociación Nacional de Productores de Ganado Porcino (ANPROGAPOR).

3. Correspondence within your personnel and/or the European institutions concerning the organizations above-mentioned.

I regret to inform you that CHAFEA does not hold any documents listed in the above-mentioned points 1, 2 and 3. As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in the Regulation applies only to existing documents in the possession of the institution.

“Pork lovers Europe campaign” is a so-called “simple programme” managed in shared management for which the granting authority is the Member State; in this case Spain. Therefore, CHAFEA’s role ends with the end of the evaluation and we are not in possession of the requested documents, Grant Agreements, reports, deliverables, financial statements nor payment requests.

Given that no such documents are held by CHAFEA nor the Commission, we are not in a position to fulfil this part of your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting CHAFEA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to CHAFEA’s Director at the following address:

European Commission
Consumers, Health, Agriculture and Food Executive Agency
For the attention of Véronique Wasbauer, Director
DRB-A3/041
L-2920 Luxembourg

or by email to: CHAFEA-ACCESS-DOCUMENTS@ec.europa.eu

Yours faithfully,

(e-signed)

Aleksandra MECILOSEK

