



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Resource management and better regulation
Better regulation

Brussels
SANTE.A.1/CF

Ms Lili Bayer
Rue de la Loi 62
1040 Brussels
Belgium
By email only:
ask+request-9139-
db768ce7@asktheeu.org

Dear Ms Bayer,

Subject: Your applications for access to documents – GESTDEM 2021/1143

We refer to your letter of 1 March 2021 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our email of 22 March 2021 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 request, you ask, on the basis of Regulation (EC) No 1049/2001¹, access to:

“Details on the following meeting:

Director-General Sandra Gallina with the European Federation of Pharmaceutical Industries and Associations (EFPIA) on February 12, 2021.

On this meeting, I am requesting the following documents:

- All minutes, agendas, summaries, memos and any other reports of these meetings issued both in preparation and after the meetings took place.*
- All correspondence (including, but not limited to any emails, correspondence, telephone call notes and email attachments) and follow-ups, between DG SANTE and the firms/organizations or any intermediaries representing their interests.*
- All correspondence (i.e. any emails, email attachments, correspondence or telephone call notes) and follow-ups, within the DG and between the DG and other Commission entities about those meetings, issued both prior and after.*
- All documents prepared for the meetings and exchanged in the course of the meetings between both parties”.*

2. Identification and assessment of the relevant documents

We identified 2 documents falling under the scope of your request.

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 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 them we have come to the conclusion that:

- partial access can be granted to document 1, Ares(2021)1462552; its full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.
- document 2 is publicly available on Europa website and can be accessed through the following link: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12870-European-Health-Emergency-Preparedness-and-Response-Authority-HERA-/F1964191>

Document 1 is attached to this letter. Please note that it was drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Health and Food Safety, and it solely reflects that service's interpretation of the interventions made during the meeting. It thus does not set out any official position of the third parties to which the document refers, which were not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

You may reuse public documents, which has 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 document.

3. Reasons for partial disclosure

Article 4(1)(b) of Regulation (EC) No1049/2001 – Protection of privacy and the integrity of the individual.

A complete disclosure of the identified document 1 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 document 1, 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.

4. 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

5. Info

For your information, please note that EPFIA invited the Deputy Director- General for Health to attend the presentation of 'pipeline event' on 26/3. See the link:

<https://efpia.eu/news-events/events/efpia-event/are-current-investments-in-medical-research-focusing-on-unmet-health-needs/>

Yours faithfully,

Carmen GARAU
Head of Unit

Enclosure: list of documents and disclosed documents