



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director General

Brussels,  
SANTE/E2/(2021)6657974

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

Ms Francesca Cicculli  
Via Fosso dell'Acqua Mariana 23  
IT- 00118 Roma

***Advanced copy by e-mail:***  
[ask+request-9858-  
99642331@asktheeu.org](mailto:ask+request-9858-99642331@asktheeu.org)

Dear Ms Cicculli,

**Subject: Your application for access to documents – Ref GestDem 2021/5112**

We refer to your email dated 17 August 2021 in which you make a request for access to documents, registered on 20 August under the reference number GestDem 2021/5112. We also refer to our holding reply dated 10 September in which we prolong the deadline to 1 October.

**1. Scope of your request**

In your request, you ask on the basis of Regulation (EC) No 1049/2001<sup>2</sup> access to documents which contain the following information for the period between 1 January 2017 to date:

*“A list of all lobby and industry meetings and/or calls held by the Directorate-General for Health & Food Safety, including any Cabinet Members and/or officials, during which “PFAS” and/or “C604” and/or “PFOA” and/or “GenX” were discussed.*

*The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;*

*– all minutes and other reports of these meetings and/or calls;*

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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 to 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 by replying to [sante-consult-e2@ec.europa.eu](mailto:sante-consult-e2@ec.europa.eu)

<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).

- *all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place.*
- *all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Directorate-General for Health & Food Safety, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “PFAS” and/or “C6O4” and/or “PFOA” and/or “GenX”.*

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

We have identified 45 documents that fall within the scope of your request.

The Annex to this letter contains a list of the identified documents and a summary of the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Since most of the documents originate from a third party, the originators of the documents have been consulted, in accordance with Article 4(4) of Regulation (EC) No 1049/2001, to assess whether an exception under Article 4 of this Regulation is applicable to the identified documents.

Having examined these documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the third party, we came to the conclusion that:

- Full access can be given to:
  - document No 12.
- Partial access can be given to:
  - documents No 1, 2, 3 – 11, 13 – 31 and Annex 3 to document No 2 as their 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.
- No access can be granted to:
  - Annexes 2, 4 – 10 to document No 2: articles from scientific journals of which the Commission received a copy in Annex to document 2. These articles, which are available online, are subject to copyright limitations. Their disclosure is therefore prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001. Please note that we provided in the list the references which should enable you to retrieve these documents from their publishers.

Please find enclosed the full version of document No 12. You will also find enclosed documents No 1, 2, 3 – 11, 13 – 31 and Annex 3 to document No 2, redacted of the parts which cannot be disclosed as they are covered by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

With regards to documents No 7, 8, 10 and 29, only matters within the scope of your request have been disclosed. Parts falling outside the scope of the request have been redacted and labelled “out of scope”.

Please note that the documents which originate from third parties, or contain documents and conversations from third parties, are disclosed for information only and cannot be re-

used without the agreement of the originator. They do not reflect the position of the Commission and cannot be quoted as such.

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.

### **3. Reasons for partial refusal**

*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.*

Documents 1, 2, 3 – 11 and 13 – 31, and annex 3 to document No 2 contain one or more of the following:

- the names and contact details of natural persons;
- handwritten signatures of natural persons;
- other information pertaining to an identified or identifiable natural person, such as titles and functions.

Article 9(1)(b) of the Data Protection Regulation<sup>3</sup> 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 argument 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.

### **4. Reasons for full refusal**

*Protection of the commercial interests of a natural or legal person, including intellectual property - Article 4(2), first indent, of Regulation (EC) No 1049/2001*

No access can be granted to Annexes 2 and 4 – 10 to document No 2.

These documents originate from third parties, and their disclosure would undermine the protection of their commercial interests in relation to intellectual property rights. These

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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 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).

documents concern scientific journal articles which were provided to the Commission in the annexes to document No 2, and which are subject to copyright protection. These documents are available in the public domain upon request from their originator and their release would infringe the intellectual property rights of their respective publishers. The full references to these documents are provided in the list of documents.

We have considered whether partial access could be granted to these documents. However, we have come to the conclusion that the documents are entirely covered by the above exception to the right of access to documents.

## **5. Overriding public interest**

The exceptions to the right of access provided for in Article 4(2) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested document. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

## **6. 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 Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency, Document Management & Access to Documents (SG.C.I)  
BERL 7/076  
B-1049 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

[e-signed]  
Sandra GALLINA

Enclosures:           List of documents and disclosed documents