



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENVIRONMENT
The Director-General

Brussels,
ENV.01(2023)

Mrs Claire Carlile
8 Woodvale Road,
Sheffield S10 3EX
United Kingdom

*Sent by e-mail:
ask+request-11764-
ef4b6b54@asktheeu.org*

**Subject: Your application for access to documents – GESTDEM 2022-4809
(Ares(2022)5936292)**

Dear Mrs Carlile,

We refer to your letter of 24 August 2022 in which you make a request for access to documents, registered on 25 August 2022 under the above-mentioned reference number. Please accept our apologies for this late reply.

You requested access to documents for the following meetings:

- (i) meeting between American Chamber of Commerce to the EU (AmCham EU) on 1st June 2021, with Rozalina Petrova (Cabinet member) and Virginijus Sinkevičius (Commissioner);
- (ii) all other meetings between the following organisations on the Green Deal, Farm to Fork, the Biodiversity Strategy, or Sustainable Use Directive: Hume Brophy, US Sustainability Alliance, American Chamber of Commerce to the EU (AmCham), American European Community Association and US Chamber of Commerce from 2020-present;
- (iii) you also request access to all correspondence with the persons/organisations mentioned under point (ii) above on the Green Deal, Farm to Fork, the Biodiversity Strategy, or Sustainable Use Directive from 2020-present

I consider these last two requests to cover documents held up till the date of your initial application, i.e. 24 August 2022.

Please find attached a list of documents as falling under the scope of your application. Please note that information on meetings by Commissioner Sinkevičius and his Cabinet with organisations and self-employed individuals is publicly available¹. All Members of the Commission and members of their Cabinet publish information on meetings with organisations or self-employed individuals on issues relating to policymaking and implementation in the Union, pursuant to Commission Decision 2014/839/EU, Euratom.²

With regard to all documents listed, a complete disclosure 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;

In your application, you indicate that your address is in the UK. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation³. According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out. Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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 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 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.

Please note that document originating from third parties (2.1; 2.2; 2.2.1; 2.3; 2.3.1) are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is

¹ See https://ec.europa.eu/commission/commissioners/2019-2024/sinkevicius_en#transparency.

² Commission Decision of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals, OJ L 343 of 28 November 2014, p. 22.

³ 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.

without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document/documents without the agreement of the originator, who may hold an intellectual property right on it/them. The European Commission does not assume any responsibility from their reuse.

Documents drawn up for internal use (1.1; 1.2; 1.3; 1.3.1; 1.4; 1.5; 1.6; 1.6.1; 1.7; 2.4; 2.5) under the responsibility of the relevant services of the Directorate-General for Environment. They solely reflect the services' 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.

Regarding document 1.2, I have come to the conclusion that it may only be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(a) indents 1, 2 and 3 of Regulation 1049/2001. These parts have been provided to the Commissioner as background information to inform him about relations with Ukraine, including military movements around Ukrainian nuclear sites and their safety and protection in the context of the war with Russia. This information being of strategic information in times of war, their disclosure could undermine the public interest as regards security, defense and military matters as well as the EU's international relations.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it

via your EASE portal⁴ account.

by mail, to:

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

Yours sincerely,

(e-signed)

Florika FINK-HOOIJER

Enclosure: list of documents

⁴ <https://www.ec.europa.eu/transparency/documents-request>