



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels 29/11/2022
AGRI.I.1/CCL/ib/(2022)9027493
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Subject: Your application for access to documents 2022/5893

Dear Ms Carlile,

We refer to your request for access to European Commission documents registered on 17/10/2022 under the above-mentioned reference number.

You request access to:

“On the topic of the Sustainable Productivity Growth Coalition, Aim4C, Farm to Fork or the Sustainable Use of Pesticides directive, all correspondence, including emails which mention, and any study, impact assessment, forecast, paper or other document received from any of the following individuals (listed below) during the previous 12 months. This includes inter-institutional correspondence, correspondence with Member States’ authorities and their Permanent Representations as well as correspondence with third parties.

AND

On the topic of Sustainable Productivity Growth Coalition, Aim4C, Farm to Fork or the Sustainable Use of Pesticides directive, all agendas and minutes of meetings; attendees of meetings; details of the locations of meetings; presentation slides used, and any other materials shared or used (e.g. briefings, leaflets), including in preparation and after the meetings took place, with any of the following individuals (listed below) during the previous 12 months.

Relevant individuals:

US Secretary of Agriculture

USDA Chief Economist

Director for Sustainable Development for USDA Director of Office of Energy and Environmental Policy in Office of the Chief Economist, USDA Director of the Office of Pest Management Policy (OPMP), USDA US Deputy Secretary of Agriculture US

Ambassador to the European Union Deputy Chief of Mission at the U.S. Mission to the European Union.

We have identified 20 documents falling within the scope of your request. You will find enclosed a list of them and the documents identified.

I. Personal data redacted

With regard to the identified documents listed above, 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 1049/2001¹, 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;

In your application, you indicate that your address is in 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 Regulation².

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organization 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 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 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

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43

² 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.

individuals concerned would not be prejudiced by disclosure of the personal data concerned.

**II. Out of scope: Parts of documents Nos 3 -Ares(2022)543520,
4.3 -Ares(2022)3836173, 7 -Ares(2022)6891132**

There is information contained in the above-mentioned documents, which is out of scope of your request. For this reason, such information has been redacted

III. Access denied - Document No 4.2 -Ares(2022)3836173

Since the document concerned originates from a third party, the originators of the documents have been consulted pursuant to Article 4(4) of Regulation (EC) No 1049/2001.

Following an examination of the document requested 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 of this document is prevented by the exception to the right of access laid down in Article 4(1)(a), third indent of this Regulation (protection of the public interest as regards international relations).

The document which you seek to obtain contains the draft agenda of the 86th session (17-19 May 2022) of the Working Party on Agricultural Policies and Markets of the Committee for Agriculture of the Organisation for Economic Co-operation and Development (OECD).

The document in question is classified under OECD rules as 'For official use', and to our knowledge this document has not yet been declassified. As unfortunately our counterparts in the OECD have not responded to our inquiries concerning a possible disclosure of this document, disclosing it at this stage without an explicit agreement to do so from the OECD would be in disregard of OECD rules on classification of information. As such, we take the view that disclosure of this document would affect the mutual trust between the OECD and the Commission and hence entail a concrete risk of harming the Commission's relations with the OECD. We therefore conclude that the exception protecting international relations applies to this document.

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.

Please note that documents Nos (2.2, 6.1, 6.2, and 6.3) originating from third parties are 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 documents 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.

Document No 7 was drawn up for internal use under the responsibility of the relevant services of Directorate General for Agriculture and Rural Development. It solely reflects 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.

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

by asking for a review via your portal³ account (available only for initial requests submitted via the portal account),

or by mail:

European Commission

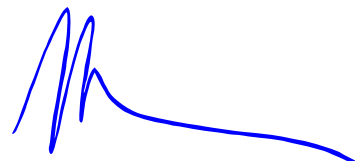
Secretariat-General

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 faithfully,



Wolfgang BURTSCHER

Enclosure: 20 documents

³ <https://www.ec.europa.eu/transparency/documents-request>