



EUROPEAN ANTI-FRAUD OFFICE

The Director-General

Mr Pau Salarich
Access - Info Europe
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Via registered mail

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Brussels

**Subject: Your application for access to documents. Ref GestDem No No
GestDem 2016/79 and GestDem 2016/0100**

Dear Mr Salarich,

We refer to your e-mail dated 7 January 2016 addressed to Directorate General Budget (DG BUDG), registered under GestDem 2016/0079 and your e-mail addressed to Directorate General Human Resources and Security (DG HR), registered under GestDem 2016/0100. The European Anti-Fraud Office (OLAF) has been requested to respond to your request.

You have requested the following information from the Commission:

"- All minutes of meetings between Commissioner (and staff) for Budget and Human Resources and private and lobby groups or any other third party since September 1 2015, related to the revision of the July 9 2004 anti-contraband and anti-counterfeit agreement signed with Philip Morris International.

- All correspondence between Commissioner (and staff) for Budget and Human Resources and private and lobby groups or any other third party since September 1 2015, related to the revision of the July 9 2004 anti-contraband and anti-counterfeit agreement signed with Philip Morris International".

In relation to the first point, please note that neither Vice-President Georgieva, nor members of her Cabinet, held any meetings related specifically to the revision of the July 9 2004 anti-contraband and anti-counterfeit agreement signed with Philip Morris International, with such private organisations or companies in the period since September 1 2015. Had any such meetings been held, this information would have been published in accordance with the *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 (2014/839/EU, Euratom)* on the following Commission website:

http://ec.europa.eu/commission/2014-2019/agenda_en?field_editorial_section_multiple_tid=166.

Consequently, no such documents were found.



Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. In the absence of any relevant meetings, no such documents exist.

With regard to the second point, annexed to this note is the correspondence between the Vice-President and third parties on cigarettes files in which the PMI prolongation issue has been mentioned. For the purposes of this request, correspondence with institutional stakeholders, including Member States, is not considered as falling under the scope of the request.

The documents to which you have requested access contains personal data. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

Please note that one of the attached documents was received by the Commission from the Smoke Free Partnership. It is disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. It does not reflect the position of the Commission or OLAF and cannot be quoted as such.

In accordance with Article 7(2) of Regulation 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 unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

Your attention is drawn to the privacy statement below.

Yours sincerely,


Giovanni KESSLER
17 FEB. 2016

Privacy statement

Pursuant to Article 11 of Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, please be informed that your personal data are stored in OLAF's electronic and paper files concerning this matter for the purposes of ensuring conformity with the requirements of Regulation 1049/2001.

The categories of your personal data being processed are identification and contact data (name, address, e-mail, telephone, fax) and any other personal data provided by or to you in relation to your request. Officials within OLAF and other Commission services responsible for dealing with requests for access to documents have access to your personal data.

The retention period for public access to documents which do not concern OLAF investigations is a maximum of 10 years.

You have the right to access your data and to correct and complete them. On request and within three months from its receipt, you may obtain information concerning your personal data which we have processed. Any such request should be addressed to the Controller (OLAF-FMB-Data-Protection@ec.europa.eu).

You may lodge a complaint concerning the processing of your personal data with the European Data Protection Supervisor (edps@edps.europa.eu) at any time.

The complete privacy statements for this and all other OLAF personal data processing operations are available at http://ec.europa.eu/anti_fraud

Annex

1. Meeting request of Smoke Free Partnership of 04/11/2015 in relation to the EU legal agreement with tobacco companies and their implications on international treaties. Ares(2015)4833584.
2. Reply letter from Vice-President Georgieva of 08/12/2015