



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Director-General

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Mr Vincent Harmsen  
Pieter Schroonsstraat 58  
BE – 1830 Machelen

***Advance copy by email:***

***ask+request-2686-***

***e95811ec@asktheeu.org***

***By registered letter with acknowledgment of receipt***

**Subject: Your application for access to documents – Ref GestDem No 2016/1766**

Dear Mr Harmsen,

We refer to your e-mails dated 14/03/2016 in which you make a request for access to documents, registered in our services on 16/03/2016 under the above mentioned reference number.

Your application concerns the following documents:

*"On the topic of endocrine disruptors (also spelled: disrupters), all emails with in attachment scientific studies, or in general documents containing conclusions drawn by scientists or scientific organisations, sent to officials/representatives of the European Commission (all DGs, including the SG) by third parties (between July 2013 and March 4<sup>th</sup> 2016). This request entails the emails and their attachments".*

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the following conclusion:

### **1. Public documents**

Documents referred to under No 6, 10, 12, 14, 18, 20, 26, 28, 30, 32, 34, 36, 37 and 38 in the attached document register, are documents already publicly available. We have added a DOI reference or a link in the comment column of the document register for ease of reference.

### **2. Full disclosure**

Documents referred to under No 2, 16, 21, 44, 45, 46, 47, 48, 49, 51, 52, 53 and 54 in the attached document register, are being disclosed in their entirety.

### **3. Partial disclosure (personal data expunged)**

Documents referred to under No 1, 3, 4, 5, 7, 8, 9, 11, 13, 15, 17, 19, 22, 23, 24, 25, 27, 29, 33, 35, 39, 40, 41, 42, 43, 50 and 55 in the attached document register, contain personal data, in particular the names and e-mail addresses of other persons than the Commission personnel.

The parts of the documents which contain personal data, in particular: names, functions and contact details of Commission staff and stakeholders' representatives, cannot be disclosed. This is 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 European Union 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 data<sup>1</sup>. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

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/or 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 with these personal data expunged.

### **4. Non-disclosure**

Disclosure of document referred to under No 31 in the attached document register, is prevented by exception to the right of access laid down in Article 4 of this Regulation.

This document falls under Article 4 paragraph 2 of Regulation (EC) No 1049/2001 where disclosure would undermine the protection of commercial interest of a natural or legal person, including intellectual property.

We have considered whether partial access could be granted to the document requested. It is not possible to grant access to expunged version of this document, as it is entirely covered by the afore-mentioned exception.

According to Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the documents concerned, which has to outweigh the interest protected by the exception to the right of access. In the present case, the services of the Commission have reached the conclusion that there appears to be no overriding public interest in their disclosure in the sense of the Regulation.

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.

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 of 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 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Lowri Evans

Encl.: - Document Register  
- Documents disclosed in their entirety or partially disclosed