



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Pesticides and biocides

SANTE/E4/AS/np

By registered letter with acknowledgment of receipt

Advance copy by email: ask+request-2686-e95811ec@asktheeu.org

Dear Mr Harmsen,

Subject: Your application for access to documents – Ref GestDem No 2016/1763

We refer to your email dated 12/03/2016 in which you make a request for access to documents. Your request was duplicated and assigned to DG SANTE on 08/04/2016 under the above mentioned reference number.

1. Scope of your request

On the basis of Regulation (EC) No 1049/2001, you asked access to:

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 14th 2016). This request entails the emails and their attachments. When 'officials' are mentioned in this request this includes the Commissioners and their Cabinet members, as well as the Commission President and his Cabinet.

2. Identification and assessment of the concerned documents

We have identified 63 documents as falling under the scope of your requests.

Mr Vincent Harmsen
Pieter Schroonsstraat 58
B-1830 Machelen

Email: ask+request-2686-e95811ec@asktheeu.org

Having examined the documents, we have come to the conclusion that:

i) partial access, due to the protection of personal data, can be granted to the documents under numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24.1 and 25.

ii) full access can be granted to the documents under numbers 2.1, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 6.1, 6.2, 6.3, 7.1, 8.1, 9.1, 10.1, 10.2, 11.1, 12.1, 12.2, 12.3, 12.4, 13.1, 14.1, 14.2, 15.1, 16.1, 17.1, 17.2, 18.1, 18.2, 19.1, 19.2, 20.1, 21.1, 22.1, 23.1, 23.2 and 25.1.

Please find attached ***all*** the documents falling under the scope of your request, as well as a table which specifies the provision of Regulation (EC) No 1049/2001 on the basis of which access was granted partially.

You may reuse Commission documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Documents originating from third parties cannot be re-used without the agreement of the originators.

3. Protection of personal data

Some of the requested documents contain personal data, such as names, email addresses and telephone numbers of Commission's non-senior managerial staff and third parties. 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 EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable. 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, partial access is granted to the requested documents, expunged for personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to make a confirmatory application requesting the Commission to review this position.

¹ 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 (OJ L 8, 12.1.2001, p. 1).

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

Yours faithfully,



Michael Flüh
Head of Unit