



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

Deputy Director-General

Brussels,
ENV/B2/CCN/np (2017) 916878

Mr Vincent Harmsen
c/o Simon de Bergeyck
Rue au Bois 216
1150 Brussels
Belgium

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

Advance copy by email:
ask+request-3670-2bf8010c@asktheeu.org

Dear Mr Harmsen,

Subject: Your application for access to documents: Ref GestDem No 2017 - 151

We refer to your e-mail dated 22/12/2016 in which you make a request for access to documents registered under the above mentioned reference number and our holding reply Ref. Ares(2017) 353973 of 23/01/2017.

You requested access to:

"...on the topic of endocrine disruptors (also spelled: disrupters), all minutes of meetings or any other reports of such meetings between officials/representatives of the European Commission (all DGs, including the SG) and scientists (between March 15th 2016 and December 22th 2016).

When 'officials' are mentioned in this request this includes the Commissioners and their Cabinet members, as well as the Commission President and his Cabinet."

We have identified the following documents:

1. Email from Bundesinstitut für Risikobewertung (BfR) of 04/05/2016 on Workshop Report from the ED Meeting Online;
2. Internal e-mail from DG Environment of 14/04/2016 on Debrief from the Expert meeting to Reach Scientific Consensus on Endocrine Disruptors, Berlin, 11-12 April 2016.

Please note that document No 1 does not originate from the Commission. 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 and cannot be quoted as such.

With regards to document No 2, having examined the document under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that it may be partially disclosed. Some of its parts have been blacken out as they relate to a decision which has not yet been taken by the Institution as the criteria for determination of endocrine disruptors have not yet been adopted by the Commission.

They reflect views and opinions whose disclosure would seriously undermine the institution's decision-making process. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

Pursuant to Article 4(2) and (3) of Regulation 1049/2001, the exceptions to the right of access must be waived if there is an overriding public interest in disclosing the requested documents. I note that you have not put forward any elements capable of demonstrating the existence of an overriding public interest that would outweigh the purpose of the protection of the decision-making process.

Finally, some parts of the two documents to which you have requested access contain 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 data.

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/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 expunged from this personal data.

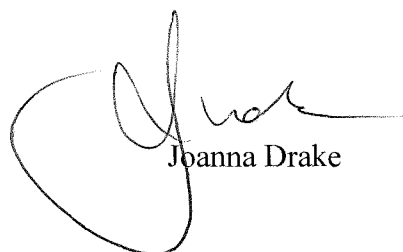
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its position on the matters already mentioned.

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 sincerely,



Joanna Drake