



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Pesticides and biocides

Brussels,
SANTE/E4/AS/np

**By registered mail with
acknowledgment of receipt**

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

Advance copy by e-mail:
ask+request-3673-bb4dc4e5@asktheeu.org

Dear Mr Harmsen,

Subject: Your applications for access to documents – Ref GestDem Nos 2016/7261 and 2016/7255

We refer to your email dated 22/12/2016 registered on 23/12/2016 under the above mentioned reference numbers, by which you request access to documents on the basis of Regulation (EC) No 1049/2001¹.

In the letter to you registered as Ares(2017)192850, DG SANTE proposed to you to release, at regular intervals, batches of documents cleared for release and to give you a reasoned opinion explaining why some documents cannot be entirely or partially disclosed. You agreed to our proposal for a fair solution on 17 January 2017 and this reply concerns the fifth batch of documents related to DG SANTE and the Secretariat General (SG), as was explained to you in our letter registered as Ares(2017)354636.

1. Scope of your request

The scope of the fifth batch of documents concerns the part of your request in which you asked access to:

on the topic of the active substance glyphosate in relation to the re-approval of the active substance, all emails with in attachment scientific studies, or in general documents containing conclusions drawn by scientists or scientific organizations, sent to officials/representatives of the European Commission (DG SANTE and the SG) by third parties. This request includes the emails and their attachments.

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

on the topic of the active substance glyphosate in relation to the re-approval of the active substance, all minutes of meetings or any other reports of such meetings between officials/representatives of the European Commission (DG SANTE and the SG) and scientists.

The request entails all documents from March 2015 till December 22nd 2016.

2. Identification and assessment of the concerned documents

We have identified 8 documents falling under the scope of this part of your request.

Since some of the requested documents originate from third parties, the originators of the documents have been consulted in accordance with Regulation (EC) No 1049/2001, in order to assess whether an exception to the right of access to documents is applicable.

Having examined the documents and considered the opinions of these third parties, we have come to the conclusion that:

- i. full access can be granted to the documents numbered 3 and 7 which are publicly available online.
- ii. partial access can be granted to the documents numbered 1, 2 and 6 due to the protection of personal data.
- iii. documents numbered 4, 5 and 8 have already been released to you on 20 May 2016 in an access to document request with reference number GestDem 2016/1035-36.

You will find in annex to this letter the documents numbered 1, 2 and 6 as well as a table with the list of documents containing the result of the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001.

The two documents publicly available can be found online:

Document 3: [http://doi.org/10.1016/S1470-2045\(15\)70134-8](http://doi.org/10.1016/S1470-2045(15)70134-8)

Document 7: <http://www.amsi.ge/jbpc/31515/11SA15R.pdf>

You may re-use 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

Documents 1, 2 and 6 contain personal data, such as the names, signatures and telephone numbers of staff of PAN and a researcher/consultant. 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 45/2001².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.³ According to Article 8(b) of this Regulation,

² 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).

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

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 document, expunged of personal data.

4. Means of redress

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below.

The Secretary-General will inform you of the result of such review within 15 working days from the date of registration of your request. You will either be given access to the document or your request will be rejected, in which case you will be informed of what further action is open to you.

All correspondence should be sent to 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,


Michael Flüh