

Helsinki, 15. 08. 2017 JdB/mm

Vincent Harmsen

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Subject: Reply to your request of ATD/57/2017

Dear Mr Harmsen,

Thank you for your request of 10 July 2017, registered on 11 July 2017, seeking access to documents. Your request falls under Regulation (EC) No 1049/2001 (the "ATD Regulation") which governs the access to documents held by the European Chemicals Agency.

Your request concerns access to "all records of communications -- including, but not limited to, emails, letters, phone logs, minutes of meetings, or any other reports of such meetings -- between Fabrice Broeckaert, employee of ECHA, and the following corporations, individuals and organizations between 01 January 2015 and 01 January 2017:

- Bayer
- Monsanto
- BASF
- Syngenta
- DuPont
- Dow Chemical
- AkzoNobel
- Tier3 Solutions
- ECPA
- CEFIC
- CropLife International
- CropLife America
- American Chemistry Council
- ECETOC
- ILSI
- FleishmanHillard
- Hill+Knowlton
- Ketchum
- Burson Marsteller
- v-Fluence
- Exponent
- Gradient
- Hume Brophy
- Edelman
- acumen
- Genius
- knoell
- Alan Boobis
- Roland Solecki
- Angelo Moretto
- Wolfgang Dekant
- Helmut Greim

- Daniel Dietrich
- Colin Berry
- Richard Sharpe
- Gary Williams
- Pat Heslop-Harrison
- David Kirkland
- Richard Garnett
- David Saltmiras
- Keith Solomon
- Donna Farmer
- William Heydens
- Jerry Rice
- Larry Kier
- Mark Martens "

In your email of 11 July 2017, you confirmed the scope of your application as related to "all communication, not related to any specific substance or substances" and offered your cooperation to facilitate the process. In this respect, in your email of 25 July 2017, you agreed to ECHA's proposal whereby we would disclose the documents in two batches as different communication tools must be examined.

Moreover, by email of 24 July 2017, ECHA explained that your application concerns identified natural persons and that such information constitutes a set of personal data. By email of 25 July 2017, you put forward reasons as to establish the necessity of having the data transferred in accordance with Article 8 of Regulation (EC) No 45/2001 (the "Data Protection Regulation").

This first batch includes the following written communications between Fabrice Broeckaert and some of the abovementioned persons/organisations.

1. Email thread starting on 15/06/2015
2. Email thread starting on 29/01/2015
3. Email thread starting on 16/05/2016
4. Email thread starting on 04/05/2016
5. Email thread starting on 13/06/2016

Decision

Based on Article 7(1) of the ATD Regulation

ECHA has decided to grant you partial access to the requested documents.

Reasons

Following an examination of the first batch of documents requested under the provisions of the ATD Regulation, ECHA has concluded that they may be partially disclosed. The partially redacted versions of the documents are enclosed to this letter. Some parts of the documents have been blanked out as their disclosure is prevented by an exception to the right of access laid down in Article 4 of this regulation, as explained below. Please note that documents originating from

third parties were found among the communications. ECHA carried out a third party consultation in accordance with Article 4(4) of the ATD Regulation and the interests involved have been duly balanced.

Personal data

Personal data that is not publicly available has been redacted from the requested documents as the exception provided by Article 4(1)(b) of the ATD Regulation on the protection of personal data was found to apply, except for the name of Fabrice Broeckaert.

Appeal/legal redress

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or executive-director@echa.europa.eu). This needs to be done within 15 working days of receiving this letter.

The Executive Director will inform you of the result of the review within 15 working days from the registration of your subsequent request.

Procedural history

In your email of 25 July 2017 referred to above, you also accepted that other possible documents related to your application will be communicated in a second batch by 15 September 2017.

Other observations

As your request is directed to a staff member of ECHA and aims at scrutinising ECHA's compliance with the absence of conflict of interests, I would like to inform you that Fabrice Broeckaert has worked for ECHA since October 2011 and has always duly declared his past interests in the chemicals sector. He has always abstained from files where he would have a potential conflict of interests or even for cases where he may be perceived as having such conflict of interests.

Fabrice Broeckaert works as a coordinator of the harmonised classification and labelling (CLH) process at ECHA. A CLH proposal can be submitted by a Member State competent authority (MSCA), or in some cases, by a manufacturer, importer or downstream user of the substance. Once the CLH dossier is submitted, ECHA checks that it is in accordance with the legal requirements of the Regulation (EC) No 1272/2008, and more specifically, that the CLH proposal includes the information needed for the Risk Assessment Committee to deliver an opinion on the classification proposed in the CLH dossier. Once the submitted CLH dossier is found to be in accordance, it proceeds to public consultation, after which the drafting of the opinion can start.

More detailed explanation of this process can be found on the ECHA website at the link below:

<https://echa.europa.eu/regulations/clp/harmonised-classification-and-labelling>

Yours sincerely,



Jack de Bruijn

Director of Risk Management

Encl: Non-confidential versions of the communications