



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,
DG/JP/I.3/KVK/VA D(2018) 266327

Katie Hodgetts
Friends of the Earth Europe
MundoB, 26 Rue D'Edimbourg,
1050 Brussels
Belgium

By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-4883-9aaed803@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/7571

Dear Madam,

We refer to your e-mail dated 19/12/2017 in which you make a request for access to documents, registered on 20/12/2017 under the above mentioned reference number.

You request access to *documents (such as agendas, Commission briefing papers and minutes) that relate to meetings as well as correspondence (such as emails, letters, faxes) between Commissioner Phil Hogan, Members of his cabinet, DG Agriculture members of staff, and the following: Indonesian Embassy in Brussels, Indonesian Ministry of Foreign Affairs, Indonesian Ministry of Trade, Indonesian Ministry of Industry, Indonesian negotiation team for the EU-Indonesia free trade agreement, CEPA concerning: The revision of the renewable energy directives, Commission response to resolution 2016/2222 of the European Parliament, EU-Indonesian free trade negotiations for CEPA (in as far as they relate to palm oil) since January 1st, 2016.*

We have identified three documents related to your request of which a list is attached, as well as the documents identified.

Document No 3

We consider that this document can be fully disclosed. You may reuse this document 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 document. Please note that the Commission does not assume liability stemming from the reuse.

Documents No 1 and 2

As regards these two documents, please note that some parts are outside the scope of your request and have therefore been redacted.

Having examined both documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I would like to inform you that they can be partially

disclosed, as disclosure of some parts are prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

a) Personal data

Those two documents 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². 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 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 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 1049/2001, to make a confirmatory application requesting the Commission to review this position (see details below).

b) Exception regarding international relations

Document No 2 contains information on the negotiating position of our trading partner, i.e. Indonesia.

Disclosure of this document would undermine the protection of the public interest as regards international relations as it would undermine in a reasonably foreseeable manner the mutual trust which is essential to the success of the negotiations. Therefore the exception laid down in Articles 4(1) (a) third indent of Regulation (EC) No 1049/2001 applies to this document.

¹ Official Journal L 8 of 12.1.2001, p. 1

² 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 (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its position.

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,



Jerzy PLEWA

Encl.: 3 doc. + 1 list