



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Director-General

Brussels,
ENTR/F4/HJ/dr (2013) 1973890

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2343/2013

We refer to your e-mail dated 02/05/2013 in which you make a request for access to documents, registered on 02/05/2013 and extended on 17/05/2013 under the above mentioned reference number.

Your application concerns the following documents:

- a list of meetings of DG Enterprise and Industry officials and/or representatives (including the Commissioner and the Cabinet) and representatives of the following companies and industry associations: Monsanto, Syngenta, Bayer, Basf, Dow, Dupont/Pioneer, EuropaBio, Bussiness Europe, European Crop Protection Association (ECPA), AmCham EU, the US Chamber of Commerce and the European Seed Association (ESA) between January 2012 and today;
- minutes and other reports of these meetings;
- all correspondence (including emails) between DG Enterprise and Industry officials and/or representatives (including the Commissioner and the Cabinet) and representatives of companies and industry associations Monsanto, Syngenta, Bayer, Basf, Dow, Dupont/Pioneer, EuropaBio, Bussiness Europe, European Crop Protection Association (ECPA), AmCham EU, the US Chamber of Commerce and the European Seed Association (ESA) related to genetically modified organisms and biotechnology between January 2012 and today;
- all correspondence (including emails) between the Commissioner and the Cabinet and DG Enterprise and Industry related to genetically modified organisms and biotechnology between January 2012 and today.

We enclose a list of meetings as requested.

We also enclose the available meeting reports and the correspondence with the organisations mentioned in the request.

We have also to signal that the 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 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 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.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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.

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-5
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Daniel Calleja

¹ OJ 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, not yet reported