



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Resource management and better regulation  
**Better regulation**

Brussels  
SANTE.A.1/CF

ALVARO MERINO  
Calle Jesús Goldero 19, planta 1  
El Orden Mundial  
28045 Madrid  
Spain

By email only:  
ask+request-8611-f9ea4a0a@asktheeu.org

Dear Mr Merino,

**Subject: Your access to documents request – Ref GestDem No 2020/5893**

We refer to your e-mails dated 5 October 2020 in which you make a request for access to documents, registered on the same day under the above-mentioned reference numbers.

We also refer to our clarification letter, sent on 12 October 2020 and to your reply of 13 October 2020.

On the basis of Regulation (EC) No 1049/2001, you requested access to the following documents:

— *Documentation of meetings (minutes, drafts, memoranda, invitations, cancellations, etc.) involving any person or institution representing the Spanish Government, in particular the Ministry of Agriculture, but not excluding Autonomous Communities and municipalities, and which is linked to the Farm to Fork, plant protection products, use of pesticides and/or animal welfare since January 2018.*

— *Correspondence (guidance documents, reports, official letters, emails, attachments, etc.) exchanged with any person or institution representing the Spanish Government, in particular the Ministry of Agriculture, but not excluding Autonomous Communities and municipalities, and which is linked to the F2F, plant protection products, pesticide use and/or animal welfare since January 2018.*

You further clarified your request providing us the following details:

*I would like to clarify that I refer to any meeting in which representatives of the Spanish Government participated, either exclusively or with more people. On the level of government representation, they can limit the search to representatives of the national government only (including, therefore, ministries). Finally, with regard to the topics*

*covered in the documents, in addition to the Farm to Fork, I would ask you to include the environmental impact of pesticides and animal welfare on farms.*

The handling of your request concerns a very large number of documents, which need to be assessed individually, many of them originating from third parties or Member States. The detailed analysis of these documents, together with the need to consult the third parties or Member States concerned in accordance with Article 4(4) and 4(5) of Regulation (EC) No 1049/2001, cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation (EC) No1049/2001.

However, Article 6(3) of Regulation (EC) No 1049/2001 also provides for a possibility to confer with an applicant informally with a view to finding a fair solution when an application relates to a very long document or concerns a very large number of documents.

In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents requested, not the deadline for replying<sup>1</sup>. This means that the scope of the request must be reduced in a way that would enable its processing within the extended deadline of 15 +15 working days.

Based on the above-mentioned provision, we would kindly ask you to specify the objective of your application and your specific interest in the documents requested<sup>2</sup>, and whether you could narrow down the scope of your application, so as to reduce it to a more manageable amount of documents.

In order to help you to narrow down your application, please note that the following categories of documents have been identified as falling under the scope of your request:

## **1. *Farm to Fork***

We have identified **5 documents** concerning bilateral correspondence and meetings with Spanish representatives (letter from Commission to all Member States, letter from the Spanish Minister of Agriculture, Fisheries and Food, report on teleconference with Spanish Ambassador, report on meeting with the Spanish Minister, the Country Profile for Spain).

## **2. *Plant protection products***

We have identified **around 90 documents** divided as following:

- SUD audit carried out in Spain in 2018 and also documents relating to SUD and PPP Working group meetings which took place in 2018 and 2019: around 45 documents;
- Harmonised Risk Indicators: around 20 documents;
- PPP Formulation Analysis and Enforcement Working Groups: around 20 documents;

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<sup>1</sup> Judgment of the Court of Justice of 2 October 2014, Strack v European Commission, C-127/13, (hereinafter referred to as the 'Strack v Commission judgment'), EU:C:2014:2250, paragraphs 26-28.

<sup>2</sup> Strack v Commission judgment, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012, EnBW Energie Baden-Württemberg v European Commission, T-344/08, EU:T:2012:242, paragraph 105.

### 3. *Use of pesticides*

We have identified **around 50 documents** divided as following:

- Minutes from the ScoPPAFF which reflect the content of interventions of Member States: around 10 documents.  
Please note that these documents are publicly available on this website: [https://ec.europa.eu/food/plant/standing\\_committees/sc\\_phytopharmaceuticals\\_en](https://ec.europa.eu/food/plant/standing_committees/sc_phytopharmaceuticals_en);
- Spanish comments/interventions in the Specific protection goals workshop organized by DG Sante: around 10 documents;
- Spanish comments during the Risk mitigation measures workshop: around 10 documents;
- Minutes from the meeting of the Post Approval issues working group with interventions of Spain: : around 10 documents;
- BTOs from meeting with Spain on issues related to pesticides: around 10 documents.

### 4. *Animal welfare*

We have identified **around 60 documents** divided as following:

- 2017-6126 Audit to Spain on tail docking: around 20 documents;
- 2019 TAILS mission in Spain: around 10 documents;
- Meetings : around 10 documents;
- ES Tail docking action plan: around 10 documents;
- ES annual AW reports: around 10 documents.

According to our first estimates, the handling of your requests would take **100 working days**<sup>3</sup>, broken down as follows:

- identification of the documents falling under your requests, as well as retrieval and establishment of a complete list of the documents identified: 20 working days;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation 1049/2001: 15 working days;
- third-party/Member State consultations under Article 4(4) and/or 4(5) of Regulation 1049/2001: 10 working days;
- final assessment of the documents in light of the comments received: 15 working days;
- drafting of the reply: 5 working days;
- redaction of those parts of the documents to which one or several exceptions apply(ies): 20 working days;
- internal approval of the draft decision on your requests: 10 working days;
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative treatment,...): 5 working days.

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<sup>3</sup> Taking into account other applications for access to documents and other tasks that the staff concerned are likely to have to deal with during the same period.

Please note that, according to our first estimates and considering the complexity of the content and the need to carry out third party consultations on a large number of documents, in this case a maximum of 60 documents can be dealt with within the extended deadline of 30 working days, counting from the date of registration of your reply to our clarification request.

**Therefore, we would suggest you to choose among the four categories, the sub-categories of documents or specific topics/subjects of discussion falling within each sub-categories you are most interested, in order to reach the total amount of 60 documents.**

In order to enable us to respect the time-limits of Regulation 1049/2001, we would kindly ask for a swift reply to the above proposal, by email within five working days at the latest to:

- [SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu](mailto:SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu)

If you have any questions concerning the invitation, you can contact us at the same address.

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days, counting from the registration of your reply to our clarification request.

Thank you in advance for your understanding.

Yours faithfully,

Carmen GARAU  
Head of Unit