



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Public health
Health promotion, disease prevention, financial instruments

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by email only:
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Dear Mr Hoedeman,

Subject: Your application for access to documents – GESTDEM 2021/8227

We refer to your e-mail of 27 October 2021 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our e-mail of 20 December 2021 explaining the additional attribution to Directorate General for health and food safety. Following this e-mail my unit started to handle your request.

1. Scope of your request

In your request, you ask, on the basis of Regulation (EC) No 1049/2001¹, access to:

- *all reports (and other notes) from meetings with representatives of pharmaceutical companies and their lobby groups where the EU strategy on Covid-19 therapeutics was discussed.*
- *all correspondence (including emails and their attachments) with representatives of pharmaceutical companies and their lobby groups where the EU strategy on Covid-19 therapeutics was discussed.*
- *a list of all the above-mentioned documents (including dates, names of participants/senders/recipients and their affiliation, subject of meeting/correspondence).*

2. Identification and assessment of relevant documents

We have identified 37 documents that fall within the scope of your request.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined all the documents under the provision of Regulation (EC) No 1049/2001, we have come to the conclusion that all the documents can be partially released, as their full disclosure is prevented by one exception to the right of access laid down in Article 4 of the Regulation, as further explained in paragraph 3.

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

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-Generals, parts of your request have been attributed to other Directorates-General². This reply relates only to the documents held by the Directorate-General for Health and Food Safety.

3. Reason for partial disclosure

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to the identified documents, a complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person such as office/phone numbers or email addresses.

Article 9(1)(b) of the Data Protection Regulation³ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

² Gestdem 2021/6564 – DG HERA

³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

Therefore, the above-mentioned documents are disclosed redacted of the parts containing personal data.

4. Means of redress

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 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

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Bruxelles,

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

Yours faithfully,

Donata MERONI
Head of Unit

Enclosure: Annex with the list of documents;
 Documents as explained under Section 2 of this letter