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Head of Unit

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**Subject: Your application for access to documents – Ref GestDem No
2014/4715**

Dear Mr Dale-Harris,

We refer to your request for access to documents, registered under the above mentioned reference number. Please find attached the document which was identified under the scope of your request. This is the report from the Hearing of Mr Karmenu Vella, then Commissioner-designate for Environment, Maritime Affairs and Fisheries on 29 September 2014 in the European Parliament, Committee on the Environment, Public Health and Food Safety and Committee on Fisheries.

Please note that the names of the Commission officials who prepared this document are blanked out. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to that part of the document has to be refused as 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.

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, ECR 2010 I-06055.

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-4
BERL 5/327
B-1049 Bruxelles

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

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Yours faithfully,



Robert KONRAD

Enclosure: SP(2014) 579, report from the Hearing of Karmenu Vella, Commissioner-designate for Environment, Maritime Affairs and Fisheries on 29 September 2014 in the European Parliament, Committee on the Environment, Public Health and Food Safety and Committee on Fisheries

³ See the Decision of the Commission of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011 for details; this Decision does not apply to documents for which third parties hold the copyrights, Article 2 (2) (b).