

EUROPEAN COMMISSION

Secretariat-General

Directorate E - Policy Co-ordination II
The Director

Brussels, **26/04/2016.**
SF/WS

Mr. V. Harmsen

Per email only: ask+request-2661-98c479d3@asktheeu.org

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2016/1166

We refer to your e-mail dated 04/03/2016 in which you make a request for access to documents, registered on 09/03/2016 under the above mentioned reference number.

You request the following documents: *"all correspondence (including emails), agendas, minutes of meetings and any other reports of such meetings where the (science-based) criteria for endocrine disruptors (also spelled: disrupters) were discussed/mentioned between officials of the Secretariat-General and officials/representatives of (one or more of) the following DGs/organisations: DG SANTE, DG AGRI, DG TRADE, DG GROWTH, US EPA, US government, AmCham, CropLife, ACC, ECPA, Cefic, Burson-Marsteller, BASF, Bayer, Dow Chemicals, Monsanto, DuPont (between January 2015 and March 5th 2016). When 'officials' are mentioned in this request this includes the Commissioners and their Cabinet members, as well as Commission President Jean-Claude Juncker and his Cabinet."*

Your application concerns the following documents:

- 1) Read-out of a meeting with ECPA on 19 January 2015;
- 2) Request by EPPA on 24 March 2015 for a meeting;
- 3) Conclusions of a meeting with EPPA on 23 April 2015 (with one additional position paper);
- 4) Request by AmCham on 20 May 2015 for a meeting;
- 5) Conclusions of a meeting with AmCham on 25 June 2015;
- 6) Request by ECPA on 14 September 2015 for a meeting;
- 7) Summary report of a meeting with ECPA on 23 September 2015;
- 8) Note of 8 January 2016 from the Secretary-General to the Head of Cabinet of the President.

For any documents received by the Secretariat-General from other Directorate-Generals (namely the minutes of the meetings of the inter-services group), I refer you to their replies to your similar requests for access to documents (GESTDEM 2016/1162: DG SANTE, GESTDEM 2016/1163: DG AGRI; GESTDEM 2016/1164: DG TRADE; GESTDEM 2016/1165: DG GROW).

Regarding documents 1-7:

The Secretariat-General is interested in the views of all stakeholders and has also met several non-governmental environmental organizations concerning this dossier.

The documents you requested are enclosed, expunged of personal data, in particular name and contact details of individuals.

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 data.¹

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.²

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/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

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 below).

Regarding document 8:

Having examined this document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation. The document which you seek to obtain relates to a decision which has not yet been taken by the Commission.

Disclosure of the document requested would undermine the protection of the decision-making process of the Commission. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

We have considered whether partial access could be granted to the document requested. However, after expunging the confidential information the remaining parts would be meaningless or illegible.

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.

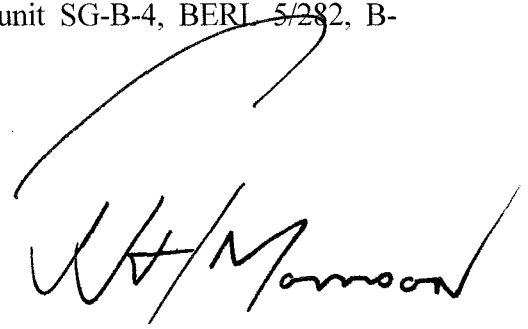
The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

In accordance with Article 7(2) of Regulation 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, Secretary-General, Transparency unit SG-B-4, BERL 5/282, B-1049 Brussels; or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JH/Morrison', with a large, sweeping flourish above it.

James Morrison

Enclosures