

**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY  
Directorate E – Food and Feed Safety, Innovation  
**E2 – Food processing technologies and novel foods**

03.04.2018

Brussels,  
DG SANTE/E2/AT/

*Ans(2018) 1778636*

***By registered letter with acknowledgment of receipt:***

Mr Peter Teffer  
EUobserver  
Rue Montoyer 188  
1000 Brussels

***Advance copy by email:***

ask+request-5226-7f64cf78@askthe.eu.org

Dear Mr. Teffer,

**Subject: Your application for access to documents – Ref GestDem No 2018/1472**

We refer to your e-mail dated 07 March 2018 in which you make a request for access to documents, registered on 09 March 2018 under the above mentioned reference number.

**1. Scope of your request**

You request access under Regulation (EC) No 1049/2001<sup>1</sup> to:

- a) All documents related to the 17 March 2015 meeting between Nathalie Chaze and PlasticsEurope, including but not limited to minutes, verbatim reports, e-mails, and presentations.
- b) All documents related to the 17 April 2015 meeting between Rolf Carsten Bermig, Agnieszka Drzewoska and PlasticsEurope, including but not limited to minutes, verbatim reports, e-mails, and presentations.
- c) All documents related to the 11 January 2016 meeting between Commissioner Vytenis Andriukaitis, Nathalie Chaze and PlasticsEurope, including but not limited to minutes, verbatim reports, e-mails, and presentations.
- d) All documents related to the 23 April 2015 meeting between Eduard Hulicius and LEGO System A/S and Toy Industries of Europe (TIE), including but not limited to minutes, verbatim reports, e-mails and presentations.

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

While the documents relating to part a) and c) of your request can be disclosed by us, the other documents concerned by part b) and d) of your application originate respectively from DG GROW and DG JUST who have been promptly informed and who will be responsible for replying to these parts of your request.

## **2. Identification and assessment of the concerned documents**

For the part a) and c) of your request falling within the competence of DG SANTE, we have identified the following documents:

1. Follow-up message concerning the meeting of 17 March 2015;
2. Follow-up letter concerning the meeting of 17 March 2015;
3. Minutes concerning the meeting of 17 March 2015;
4. Minutes of the meeting of 11 January 2016.

Having examined the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that it may be only partially disclosed as its full disclosure is prevented by one of the exception to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

You will find in annex to this letter the listed above document redacted of the parts which cannot be disclosed as a result of the assessment carried out on their content on the basis of this Regulation.

You may re-use Commission documents free of charge 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.

Documents originating from third parties are disclosed for information only and cannot be re-used without the prior written agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

We would like to inform you that, considering the wide scope of your request, the research of the documents falling into the scope of your application is still ongoing. Therefore should we find other documents qualifying for release, you will be provided accordingly in a second letter within 15 working days from the present.

## **3. Reason for refusal**

The documents to which you have requested access contain personal data, in particular the names, the surnames, email and telephone number of Commission staff and of representatives of PlasticsEurope.

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<sup>2</sup>.

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<sup>2</sup> Official Journal L 8 of 12.1.2001, p. 1.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>.

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. Therefore, we are disclosing the documents requested expunged from this personal data.

#### **4. Means of redress**

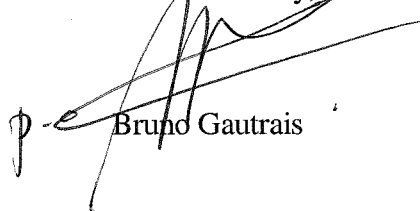
In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to make 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 5/282  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Bruno Gautrais

Enclosed:      Annex 1 - Follow-up message concerning the meeting of 17 March 2015;  
                    Annex 2 - Follow-up letter concerning the meeting of 17 March 2015;  
                    Annex 3 - Minutes concerning the meeting of 17 March 2015;  
                    Annex 4 - Minutes of the meeting of 11 January 2016.

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<sup>3</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.