



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation  
Pesticides and biocides

Brussels,  
SANTE/E4/RC/od(2018)5088998

Mr Vincent Harmsen  
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1622 ZN Hoorn  
The Netherlands

***Advance copy by email:***  
[ask+request-5779-15fb3742@asktheeu.org](mailto:ask+request-5779-15fb3742@asktheeu.org)

Dear Mr Harmsen,

**Subject: Your application for access to documents – Ref. GestDem No 2018/4142**

We refer to your email of 30 July 2018 registered on the same date under the above mentioned reference number in which on the basis of Regulation (EC) No 1049/2001<sup>1</sup>

**1. Scope of your request**

In your request, you asked access on the basis of Regulation (EC) No 1049/2001 to:

*-all correspondence (including emails), minutes of meetings and any other reports of such meetings, where the EU criteria for the identification of endocrine disruptors, or endocrine disrupting chemicals (EDCs) in general, were mentioned/discussed between officials of DG SANTE and the following individuals:*

*-Richard Sharpe*

*-Helmut Greim*

*-Colin Berry*

*-Pat Heslop-Harrison*

*-Daniel Dietrich*

*-Wolfgang Dekant*

*-Alan Boobis*

*(between December 22th 2016 and July 28th 2018).*

*When 'officials' are mentioned in this request this includes Commissioner Vytenis Andriukaitis and his Cabinet members."*

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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).

## 2. Assessment of the documents

We have identified two documents as falling under the scope of your request.

One of these documents originates from a third party and the originator of the documents has been consulted in accordance with Regulation (EC) No 1049/2001, in order to assess whether an exception to the right of access to documents is applicable.

Having examined the documents and considered the opinion of the third party, we have come to the conclusion that partial access due to the protection of personal data can be granted to all the documents.

The documents that can be partially released and the list of documents containing the result of the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001 are published on the following Commission webpage:

<https://webgate.ec.europa.eu/dyna/extdoc>

You can view these documents by entering the GestDem reference of your request ("2018/4142") in the search box at the top of the page.

Alternatively, you can click on "view documents per request" and search on the left column for the GestDem reference of your request ("2018/4142").

The above mentioned page has been recently launched by DG SANTE as part of a pilot scheme to make documents publicly available following an access to documents request. This page will be updated each time new documents will have been made public through the access to documents procedure.

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 cannot be re-used without the agreement of the originators.

## 3. Protection of personal data

Documents numbered 1 and 2 contain personal data, such as the name, telephone numbers and email addresses of individuals that you mention in your request. 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 EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001<sup>2</sup>.

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

<sup>2</sup> 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 (OJ L 8, 12.1.2001, p. 1).

<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.

Therefore, partial access is granted to the requested documents, expunged of 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  
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,



Klaus Berend  
Head of Unit