



EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL
Directorate D – Food chain: stakeholder and international relations
D2 – Multilateral International Relations

Brussels,
SANTE/D2/AB/od(2018) 4794214

Mr Vincent Harmsen
Siriusstraat 200, 1622 ZN Hoorn, the
Netherlands

*Sent by registered letter with
acknowledgement of receipt*

Advance copy by email:
ask+request-5780-c0f27f2b@asktheeu.org

Dear Mr Harmsen,

Subject: Your applications for access to documents – Ref. GestDem No 2018/4143

We refer to your email of 30 July 2018 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001, registered on the same day under the above mentioned reference number.

1. Scope of your request

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

"all minutes of meetings and any other reports of such meetings of the SPS Committee of the World Trade Organization (WTO) where the EU criteria for the identification of endocrine disruptors, or endocrine disrupting chemicals (EDCs) in general, were mentioned/discussed (between December 22th 2016 and July 28th 2018)"

2. Identification and assessment of the concerned documents

We have identified 11 documents potentially falling within the scope of your request.

A table with the list of documents containing the assessment carried out on their content on the basis of Regulation (EC) No 1049/2001 is attached.

Having examined these documents, we have come to the conclusion that:

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

i. partial access can be granted to 8 documents that are indicated with “Partial” in the list of documents(no. 1, 2, 3, 5, 6, 8, 9 and 11);

ii. 3 the documents that are indicated with “No” in the list of documents fall out of the scope of your request (no. 4, 7 and 10).

You will find attached the documents that are indicated with “Partial”.

You may re-use Commission documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, 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. Reasons for refusal

Out of scope

Document 4, 7 and 10 are annexes to the reports of WTO SPS Committee meetings and contain information about the bilateral meetings between the EU and third countries held in the margins of the Committee. These annexes neither contain information related to the criteria for endocrine disruptors/endocrine disrupting chemicals, nor requested by the requester. These documents are therefore out of scope in their entirety.

Also, documents 1, 2, 3, 5, 6, 8, 9 and 11 contain information unrelated to the criteria for endocrine disruptors/endocrine disrupting chemicals. This information has therefore been redacted as it falls outside the scope of the request.

Protection of personal data

Documents 1, 2, 3, 5, 6, 8, 9 and 11 contain personal data, such as the names of Commission personnel.

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.

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

Yours sincerely,

Dirk Lange