



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate J - Common Support Centre
J.1 - Common Legal support service
Head of Unit

Brussels,
Ares temporary registration nb

By registered letter with acknowledgment of receipt

Camille Perrin
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BELGIUM

Advance copy by e-mail:

ask+request-6721-688cefa5@asktheeu.org

Subject: Your application for access to documents – GestDem Ref No 2019/2022

Dear Ms Perrin,

We refer to your letter dated 27 March 2019 in which you submitted, within the framework of Regulation (EC) 1049/2001¹, an application for access to documents.

1. SCOPE OF YOUR REQUEST

You requested access to what follows:

“from the Research Commissioner Moedas and/or members of his cabinet, as well as from DG RTD, any document matching the following criteria:

- between 1st January 2017 and today (27th March 2019),*
- including briefings, reports, correspondence (email or other) including but not limited to correspondence with other Commission DGs, including all attachments to the said correspondence,*
- a list of all meetings, as well as agendas and minutes or any other reports of such meetings,*
- mentioning any of the following words: SAM, SAM Unit, Scientific Advice Mechanism, and either "Sustainable Food Systems" or "Sustainable Food Production".*

After examination of the scope of your request, it appeared that your application concerned a potentially large number of documents, which would need to be assessed individually.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

We therefore informed you by email dated 11 April 2019 that you had submitted a very wide-scoped request and that a detailed analysis of all documents falling under the scope of it could not be carried out within the normal time limits.

Consequently, we invited you, pursuant to Article 6(3) of Regulation 1049/2001, to propose a fair solution for dealing with your wide-scoped request, narrowing down the scope of your request so as to reduce it to a more manageable amount of documents.

In this context, you were invited to specify the objective of your requests and your specific interest in the requested documents.

We proposed you to restrict the scope of your request to meetings held by the senior management (which means Commissioner Carlos Moedas, members of his Cabinet and Director General of DG RTD) and to specify the subject of the documents you were interested in, while remaining open to other possible options that could help narrowing down significantly the request.

In your answer of the same day, you replied that you were only interested in documents mentioning 'SAM' or 'SAM Unit' together with "Sustainable Food Systems" or "Sustainable Food Production". You also mentioned that you believed that a restriction of the scope of your request to meetings held by the senior management of DG RTD would not be satisfactory for you, as the scope of your request covered any DG RTD correspondence pertaining to the drafting, adoption and publication of the SAM scoping paper "Towards an EU Sustainable Food System".

After having assessed your clarifications, on the 25 April 2019 we replied that the Commission's tools for document management do not allow to perform a search based on combined criteria, as you proposed. However, we also informed you that in order to address your request as thoroughly as possible, we had performed a preliminary and rough search in the document management tool using the available functionalities. We could then identify a minimum of 250 documents for each of the criteria mentioned in your message of the 11 April 2019, only for the past year. As this volume of documents cannot be processed within the time limit prescribed by the Regulation, we invited you to reconsider a restriction of the scope of your request and to identify some documents to which you would have liked to give priority.

Regarding your reference to the circumstance that the Commission has handled in the past wide-scoped requests, we clarified that the Commission practice in this regard has changed over the years, in order to avoid, as much as possible, late replies to the applicants.

Furthermore, we confirmed that, in case of lack of agreement on a fair solution, unfortunately we would have been obliged to balance your possible interest in access against the workload resulting from the processing of your application, unilaterally restricting the scope of your application to the categories of documents that could be dealt with within the legal deadline.

In the light of the above, in your reply of the 25 April 2019 you reformulated your request as follows:

"From the Research Commissioner Moedas and/or members of his cabinet, any document matching the following criteria:

- between 1st January 2017 and 27th March 2019,*
- including briefings, reports, correspondence (email or other) including but not limited to correspondence with other Commission DGs, including all attachments to the said correspondence,*
- a list of all meetings, as well as agendas and minutes or any other reports of such meetings,*
- mentioning any of the following words: SAM, SAM Unit, Scientific Advice Mechanism, AND either "Sustainable Food Systems" or "Sustainable Food Production."*

We have identified 4 documents falling under the scope of your request (hereinafter the 'requested documents'), namely:

1. the Draft Agenda of the 15th meeting of the Group of Chief Scientific Advisors, 4- 5 December 2018;
2. the background note of the 15th SAM Group of Chief Scientific Advisors Meeting, 4-5 December 2018;
3. the speaking points of the SAM meeting of the 4 December 2018;
4. the SAM Scoping paper: Towards an EU Sustainable Food System of the 19 January 2019.

2. EXAMINATION UNDER REGULATION (EC) NO 1049/2001

We are pleased to inform you that full access can be granted to document n. 4.

Partial access can be granted to documents n. 1, 2 and 3. We have only expunged information which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, namely the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

Protection of privacy and the integrity of the individual

The applicable legislation in this field is Regulation (EU) 2018/1725².

The requested documents n. 1, 2 and 3 contain personal data such as names, surnames, functions, telephone numbers, *curriculum vitae* etc. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

² Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('Regulation 2018/1725').

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, personal data have been withheld from the requested document, except the name of individuals forming part of senior management staff of the Commission.

Disclaimer

Some of the documents requested were drawn up for internal use under the responsibility of the relevant service of the Commission. They do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. These documents do not reflect the position of the Commission and cannot be quoted as such.

3. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 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, Document Management & Access to Documents (SG.C.1)
BERL 07/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Reinhard Schulte