



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels,  
SANTE/E4/DI/mb(2020)4974257

M Vincent Harmsen  
Drapeniersdonk 149  
7326 AH Apeldoorn  
The Netherlands

***By email only:***  
[ask+request-8253-  
dc593755@asktheeu.org](mailto:ask+request-8253-dc593755@asktheeu.org)

Dear M Harmsen,

**Subject: Your application for access to documents – Ref GestDem No 2020/4054**

We refer to your email dated 6 July 2020 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001<sup>1</sup>, registered on the same date under the above-mentioned reference number.

We also refer to our email of 15 July 2020 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

### **1. Scope of your request**

You request, on the basis of Regulation (EC) 1049/2001, access to all correspondence (including letters, emails, text messages, whatsapp messages, etc), agendas, minutes of meetings, minutes of phone calls, and/or any other reports of such communications where the active substance glyphosate, and/or the (process of the) regulatory review (risk assessment, peer review, etc) of glyphosate in the EU and/or the US, was discussed/mentioned/referred to between officials of DG SANTE and representatives/officials of the following organizations:

- United States Environmental Protection Agency (US EPA)
- European Food Safety Authority (EFSA).

You also specify that the timeframe of this request runs between September 2014 and February 2016. Moreover you indicate that when officials of the Directorate-General for Environment and the Directorate-General for Health and Food Safety are mentioned in this request, this includes the Commissioners and their Cabinet members. When representatives/officials of the EPA and EFSA are mentioned in this request, this includes all leadership/management positions.

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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 36 documents as falling under the scope of your request.

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

- full access can be granted to 5 documents, numbered 29-32 and 34;
- partial access can be granted to 19 documents (3-11, 15,16, 18-20, 26-28, 33 and 35) due to the protection of personal data;
- 5 documents (17, 22, 24, 25 and 36) are already publicly available.

Please note that for 9 documents (1-2, 12-14, 16, 20-21, 23) the parts that are out of scope of your request have been withheld.

The document that can be fully or partially released and the list of documents containing the result of the assessment carried out on its 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 the requested document by entering the GestDem reference of the request ("2020/4054") 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 ("2020/4054").

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and 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. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

### 3. Reason for partial disclosure

*Article 4(1)(b) of Regulation 1049/2001 - Protection of personal data*

Documents 3-11, 15,16, 18-20, 26-28, 33 and 35 contain personal data, such as names and e-mail addresses of representatives of EFSA and European Commission.

For all identified documents, a complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons, in particular representatives of EFSA;
- handwritten signatures/abbreviated signatures of natural persons, in particular representatives of the European Commission and EFSA;

- other information relating to an identified or identifiable natural person such as roles and function titles.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

In accordance with the above, partial access is granted to the above-mentioned documents. We are disclosing these documents expunged from 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  
Secretariat-General  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Bruxelles,  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-signed)

Anne BUCHER