



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food sustainability, international relations  
**Multilateral International relations**

Brussels,  
SANTEDDG2.D2/AS/tt (2020) 6555376

Mr Vincent Harmsen  
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THE NETHERLANDS

***By email only:***  
[ask+request-8544-  
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Dear Mr Harmsen,

**Subject: Your application for access to documents — Ref GestDem  
No 2020/5393**

We refer to your email of 11 September 2020, in which you submit a request for access to documents, registered on 14 September 2020 under the above mentioned reference number.

We also refer to our email of 2 October 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**

In your request, you ask, on the basis of Regulation (EC) No 1049/2001<sup>1</sup>, access to:

*all minutes of meetings, and/or any other reports of such meetings, of the SPS Committee of the World Trade Organization (WTO) between July 28th 2018 and September 1st 2020', as well as to 'all minutes of meetings and/or any other reports of such meetings of the TBT Committee of the World Trade Organization (WTO) between July 28th 2018 and September 1st 2020.*

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

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

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

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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).

Having examined these documents under the provisions of Article 4 of Regulation (EC) No 1049/2001 we have concluded that all nine documents can be partially disclosed, as their full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

We enclose a copy of the documents redacted of the parts which cannot be disclosed.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General<sup>2</sup>. This reply relates only to the documents held by the Directorate-General for Health and Food Safety. You will receive the reply from other Directorates-General in due course.

In particular, please note that, as we have already informed you in our email of 2 October 2020, this reply only deals with the part of your request referring to the minutes of the SPS Committee.

Please note that the identified documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Directorate-General for Health and Food Safety. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

### **3. Reasons for partial disclosure**

#### Article 4(1)(b) of Regulation (EC) No 1049/2001 – Protection of privacy and the integrity of the individual

With regard to the nine listed above, a complete disclosure of the identified documents 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; and
- handwritten signatures/abbreviated signatures of natural persons.

Article 9(1)(b) of the Data Protection Regulation<sup>3</sup> 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

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<sup>2</sup> Directorate-General for Grow, GestDem 2020/ 5451.

<sup>3</sup> Regulation (EU) 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, OJ L 295, 21.11.2018, p. 39.

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.

Therefore, the documents listed above are disclosed redacted of the parts containing 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 submit 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 Secretariat-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/Brussel

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

Yours sincerely,

(e-signed)

Dirk Lange  
Head of Unit

Enclosure:           – Annex: List of the documents covered by the request  
                          – Nine documents partially disclosed