



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Resource management and better regulation
Better regulation

Brussels
SANTE.A.1/

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By email only:

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Dear Mr Merino,

Subject: Your application for access to documents – Ref GestDem No 2021/0556

We refer to your email dated 29 January 2021 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001¹ (or ‘the Regulation’), registered on 1 February 2021 under the above-mentioned reference number. Moreover, we refer to our clarification request of 22 February and to your reply of 1 March 2021. We refer also our e-mail of 22 March 2021, extending the deadline for handling the application.

1. Scope of your request

In your reply to our clarification request of 1 March related to the initial request of 29 January 2021: “*access to documents request - Pork industry lobby records*” you wrote:

Please proceed to limit the scope of my request only to those meeting records and correspondence where European agri-cooperatives (COGECA), Asociación Nacional de Productores de Ganado Porcino (ANPROGAPOR) and Organización Interprofesional Agroalimentaria del Porcino de Capa Blanca (INTERPORC) officials were involved.

With regard to the time period, you can limit the scope to 2015 onwards, while I would prefer to do not choose a more specific subject of the documents.

¹ 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 76 documents that fall within 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 bases of Regulation (EC) No 1049/20021.

Since some documents originate from a third party in accordance with Art. 4(4) of Regulation, the originators of the documents have been consulted in order to assess whether an exception established in Article 4 applies to these documents.

Having examined the document under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the third parties, we have come to following conclusion, which is further explained below:

- Full access can be granted to document 3, 55, 75 and 76.
- partial access can be granted to documents 1-2, 4-29, 31-51, 54, 56, 60-62, 66-74, 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;
- The following document are publicly available on Europa website and can be accessed through the following link:
 - Doc. 30 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en
 - Doc. 52 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en
 - Doc. 53 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/pigs_en
 - Doc 57 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en
 - Doc 58 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/pigs_en
 - Doc 59 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en
 - Doc. 63 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en
 - Doc. 64 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/pigs_en
 - Doc. 65 Publicly available at: https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/thematic-sub-groups/animal-transport_en

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.

Minutes or a summary record of a meeting with external parties 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 were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

3. Protection of personal data

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to documents 1-2, 4-29, 31-51, 54, 56, 60-62, 66-74, 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 information of Member States' representatives;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation² 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

² 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.

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 above-listed documents are disclosed redacted of the parts containing 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

Yours faithfully,

Carmen GARAU
Head of Unit

Enclosure: List of documents and disclosed documents.