



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
The Director-General

Brussels,  
ENV.D.2

Ms Marie Milet  
1 Long Lane,  
London,  
UNITED KINGDOM,  
SE1 4PG

*Sent by email to:* [ask+request-12588-4073245f@asktheeu.org](mailto:ask+request-12588-4073245f@asktheeu.org)

Dear Ms Milet,

**Subject: Your application for access to documents – GESTDEM 2023/1022**

We refer to your request for access to European Commission documents registered on 14/02/2023 under the above-mentioned reference number.

You request access to “all documentation, including but not limited to attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising:

1. Meeting "To discuss the Biodiversity Strategy and its implementation, also the regenerative agriculture as a way to address climate change and biodiversity, as well as the circular economy." between Danone Representatives and Virginijus Sinkevičius, Commissioner Camilla Bursi, Cabinet member of Virginijus Sinkevičius on 13/10/2020
2. Meeting titled "Sustainable food systems" between Danone representatives and Frans Timmermans on 13/10/2020.
3. Meeting titled "Biodiversity Strategy" between Danone representatives and Carmen Preising, Cabinet member of Virginijus Sinkevičius on 05/02/2020. ”

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, part of your request - point 2 above - has been attributed to another Directorate-General<sup>(1)</sup>. You received the reply from the other respective Directorate-General on 24 March 2023.

This reply relates only to the documents held by Directorate-General for Environment (points 1 and 3 above). The following documents fall within the scope of your application:

- Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020 (request point 1): Invitation, registered on 29/06/2020, reference Ares(2021)7822363 (hereafter ‘**document 1**’)
- Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020 (request point 1): Briefing note, registered on 05/05/2023, reference Ares(2023)3189453 (hereafter ‘**document 2**’)

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<sup>(1)</sup> Case 2023/1023 attributed to the Commission’s Secretariat General.

- Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020 (request point 1): Meeting report, registered on 16/12/2020, reference Ares(2021)7798072 (hereafter ‘**document 3**’)
- Meeting Carmen Preising, member of Cabinet Commissioner SINKEVIČIUS, with DANONE 05/02/2020 (Request point 3): Meeting report, registered on 16/12/2020, reference Ares(2021)7797356 (hereafter ‘**document 4**’).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that:

**Documents 1, 2, 3 and 4** may be partially disclosed. With regard to these 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 any of 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;
- other information relating to an identified or identifiable natural person: a personal CV.

In your application, you indicate that your address is in the United Kingdom. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA) are regulated under Chapter V of the Data Protection Regulation<sup>(2)</sup>. According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the Commission recognizes your country of residence as ensuring an adequate level of protection. However, we would further like to inform you that 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 subjects 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, I 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 listed above, 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 addition, **document 2** also contains redactions to protect a closed decision-making. The redacted parts in Document 2 concern reference to (i) a specific Member State in relation to its position in the CAP negotiations, and (ii) interactions with EU institutions and Member States in the context of the CAP negotiations.

These parts concern internal deliberations on the negotiation process. Their disclosure would not only seriously undermine the Commission’s capacity to express internal opinions with a view to preparing

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<sup>(2)</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.

its strategy during legislative negotiations, but will also undermine the relationship of trust with its institutional partners, and therefore its position in ongoing or future related negotiations.

Disclosure of these parts is prevented by the exception provided for in Article 4 (3), second subparagraph, of Regulation 1049/2001 (“opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure”).

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest. In your request, you did not invoke nor did you put forward any arguments to establish overriding public interest in disclosure.

***Disclaimers:***

Please note that **document 1** originating from a third party is 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from its reuse.

Please note that **documents 2, 3 and 4** were drawn up for internal use under the responsibility of the Directorate-General for Environment. They solely reflect the authors' interpretation of the issues and the interventions made, and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. These documents do not reflect the position of the Commission and cannot be quoted as such.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

**by asking for a review via your portal <sup>(3)</sup> account** (available only for initial requests submitted via the portal account),

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

Yours sincerely,

Electronically signed

Florika FINK-HOOIJER

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<sup>(3)</sup> <https://www.ec.europa.eu/transparency/documents-request>

Enclosures:

- Document 1. Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020:  
Invitation
- Document 2. Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020:  
Briefing note
- Document 3. Meeting Commissioner SINKEVIČIUS with CEO of Danone on 13/10/2020:  
Meeting report
- Document 4. Meeting Carmen Preising, member of Cabinet Commissioner SINKEVIČIUS, with  
DANONE 05/02/2020: Meeting report