



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels
ENV.E.4

Ms Rebecca VAUGHAN
1, Long Lane
London
UNITED KINGDOM

SENT by email with acknowledgement of receipt:
ask+request-10078-c532bed4@asktheeu.org

Dear Ms Vaughan,

Subject: Your application for access to documents: Ref. GestDem No 2021/6087

We refer to your request for access to documents of 12 October 2021, registered on the same day under the above-mentioned reference number.

You requested access to the following:

“All documentation, including but not limited to attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings:

1. Meeting with Danone on 05/02/2020
2. Meeting with BusinessEurope on 07/02/2020
3. Meeting with European Federation of National Associations of Water Services on 19/02/2020
4. Meeting with International Federation of Organic Agriculture Movements EU Regional Group on 04/03/2020
5. Meeting with Fertilizers Europe on 28/04/2020
6. Meeting with FoodDrinkEurope on 05/05/2020
7. Meeting with WindEurope on 14/05/2020
8. Meeting with Eurelectric on 20/05/2020
9. Meeting with European farmers, European agri-cooperatives on 19/06/2020
10. Meeting with Association of National Organisations of Fishing Enterprises in the European Union on 22/07/2020
11. Meeting with Federation of Associations for Hunting & Conservation of the EU on 09/09/2020
12. Meeting with Microsoft Corporation on 10/09/2020
13. Meeting with Danone on 13/10/2020
14. Meeting with Deutscher Bauernverband on 09/02/2021
15. Meeting with Microsoft Corporation on 23/09/2021”

We have identified the documents listed in Annex 1 (numbers 1 to 32) as falling under the scope of your request. We indicated in the list to which meeting the identified documents refer.

We are pleased to inform you that full access can be granted to documents 3, 4A, 4B, 4C, 10, 12, 14, 19B, 20, 27A and 32.

Furthermore, wide partial access can be granted to documents 1, 2, 4, 5, 6, 8, 9, 9A, 11, 11A, 13, 15, 15A, 16, 17, 19, 19A, 21, 22, 23, 24, 26, 27, 29, 31 and 31A, with the exception of personal data contained therein, based on Article 4(1)(b) of Regulation (EC) No 1049/2001.

Article 4(1)(b) of Regulation (EC) No 1049/2001 provides that '[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data'.

This exemption from disclosure applies to the above-mentioned documents, because they contain the following personal data:

- the names and contact information of Commission staff members not pertaining to the senior management;
- the names and contact details of other natural persons, and
- handwritten signatures of natural persons.

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 Regulation¹.

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.

¹ 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.

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.

Please note that the disclosed documents were drawn up for internal use of the relevant service. 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 documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

Please further 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.

Concerning documents 7, 25 and 28 (in their entirety) as well as documents 18 and 30 (partially, except for the respective speeches which are disclosed), we regret to inform you that their disclosure is prevented by the exception provided for in Article 4 (3), first indent, of Regulation 1049/2001 (protection of the institution's decision-making process).

These documents constitute briefings intended for Commissioner Sinkevičius' preparation for the relevant meetings. Their disclosure would seriously undermine the Commissioner's right to be briefed by his services, in the exercise of his political mandate.

In addition, document 7, relating to the meeting of Commissioner Sinkevičius with IFOAM on 4 March 2020 and document 18, concerning the meeting of the Commissioner with COPA/COGECA on 19 June 2020, pertain to matters which are currently subject to internal discussion within Commission services, for instance the implementation of the new Common Agricultural Policy (CAP) and the Biodiversity Strategy, as well as with Member States, notably concerning the approval of Member States' CAP Strategic Plans. Disclosure of these (parts of the) documents would infringe the necessary climate of mutual trust with the Member States and the Commission's interlocution capacity with stakeholders.

Document 25, the briefing for the meeting of Commissioner Sinkevičius with Microsoft on 10 September 2020, also pertains to matters which are subject to internal discussion, for instance proposals for several initiatives under the Circular Economy Action Plan, the Nature Restoration Plan and the Sustainable Finance Strategy, which the Commission is preparing.

Document 28, the briefing for the meeting of Commissioner Sinkevičius with Danone on 13 October 2020, relates to matters which are subject of an ongoing legislative procedure and negotiations by the Commission with the Council and the European Parliament on the CAP reform. Disclosure of the document would infringe the Commission's negotiation capacity with these stakeholders.

Finally, document 30, relating to the meeting of Commissioner Sinkevičius with German Farmers on 9 February 2021, equally pertains to matters which are currently subject to internal discussion, notably the implementation of the new CAP and the Biodiversity and Forest Strategies, as well as sensitive discussions between Commission services and Member States, notably concerning the approval of Member States' CAP Strategic Plans. Disclosure of the non-disclosed parts of this document would thus infringe the necessary climate of mutual trust with the Member States. It would further infringe the Commission's interlocution capacity with stakeholders.

We have considered whether (further) partial access could be granted to documents 7, 18, 25, 28 and 30. However, documents 7, 25 and 28 and the non-disclosed parts of documents 18 and 30 are covered by the exception from disclosure pursuant to Article 4 (3), first intent, of Regulation 1049/2001.

This exception applies unless there is an overriding public interest in disclosure of the documents. However, you did not indicate and we have not been able to identify any public interest that would override the necessity for protection of the institution's decision-making process.

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 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 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

e-signed
Florika FINK-HOOIJER

Annexes : List of identified documents,

 Documents to be disclosed