



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels
SANTE.E.1/ (2021) 8792356

***By registered letter with
acknowledgment of receipt¹***

Ms Vicky Cann
Corporate Europe Observatory
Rue d'Edimbourg 26
1050 Brussels
Belgium

Advance copy email:
[ask+request-10236-
38cd3d72@asktheeu.org](mailto:ask+request-10236-38cd3d72@asktheeu.org)

Dear Ms Cann,

Subject: Your application for access to documents - Ref GestDem No 2021/7123

We refer to your e-mail dated 18 November 2021 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our e-mail of 8 December 2021 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001².

1. Scope of your request

On the basis of Regulation (EC) No 1049/2001 you requested access to the following documents:

- *all lobbying on the nutriscore (or other front of packaging nutritional labelling) during 2021; this includes all emails or other written correspondence, and a list of any lobby meetings (including phone calls, conference calls etc) held with DG Sante in 2021. The list should include the names of the individuals and organisations participating; the date; the topic; and any minutes / notes produced.*

¹ According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

² Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

2. Identification and assessment of relevant documents

We have identified 66 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 basis of Regulation (EC) No 1049/2001.

Since 18 documents originate from a third party, in accordance with Art. 4(4) of Regulation (EC) No 1049/2001, 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 all the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of third parties, we have come to the following conclusion, which is further explained below:

- document No 36.1 is already publicly available and can be accessed through the following link <https://www.from-seed-to-spoon.info/>;
- full access can be granted to documents No 5.1, 7.1 - 7.4, 17.1, 21.1, 21.2, 30.1, 30.2, 37.1, 38.2, 40.1, 40.2.
- partial access can be granted to documents No 1 – 5, 6, 7, 8 – 17, 18 - 21, 22 - 30, 31 - 37, 38, 38.1, 39, 40, 41, 42 as their full disclosure is prevented by an exception to the right of access laid down in Article 4 of the Regulation).

We enclose a copy of the documents No 5.1, 7.1 - 7.4, 17.1, 21.1, 21.2, 30.1, 30.2, 37.1, 38.2, 40.1, 40.2.

We enclose a copy of the documents No 1 – 5, 6, 7, 8 – 17, 18 - 21, 22 - 30, 31 - 37, 38, 38.1, 39, 40, 41, 42 redacted of the parts which cannot be disclosed as further explained below.

Parts of documents No 12 and 21 that are outside the scope of your request are also withheld, labelled as 'out-of-scope'.

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.

The minutes or summary records of a meeting with external parties were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Health and Food Safety. These 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 refer, which were not consulted on their content. They do not reflect the position of the Commission and cannot be quoted as such.

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.

3. Partial disclosure of documents

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 No 1 – 5, 6, 7, 8 – 17, 18 - 21, 22 - 30, 31 - 37, 38, 38.1, 39, 40, 41, 42 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;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person including their job titles.

When access is requested to documents containing personal data, 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 data³ becomes fully applicable⁴.

Article 9(1)(b) of this 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 above indicated, 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, in accordance with the above-mentioned exception, partial access is granted to documents No 1 – 5, 6, 7, 8 – 17, 18 - 21, 22 - 30, 31 - 37, 38, 38.1, 39, 40, 41, 42 expunged of personal data.

³ 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.

⁴ Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

4. Means of address

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
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

[e-signed]
Sandra GALLINA

Enclosures: List with the assessment and 65 partially or fully disclosed documents