

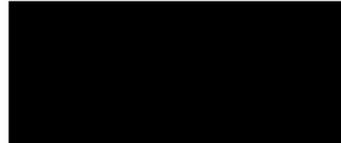


EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Luxembourg
SANTE.DDG1.C.3 (2022)1228227

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



Germany

Advance copy by email:



Subject: Your application for access to documents –GESTDEM 2022/0153

Dear Sir,

We refer to your email dated 08 January 2022 in which you make a request for access to documents, registered on 10 January 2022 under the above mentioned reference.

We also refer to our letter of 31 January 2022 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

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

*“- ISAA reports on COVID-19 drafted in the months January and February 2020 and
- protocols or similar documents of the informal roundtables in the months January and February 2020.”*

2. IDENTIFICATION AND ASSESSMENT OF DOCUMENTS

Concerning the first point of your request (*“ISAA reports on COVID-19 drafted in the*

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 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).

months January and February 2020”), we have identify five documents falling under the scope. 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 the documents originate from a third party (namely, the Council of the European Union) in accordance with Art. 4(4) of Regulation (EC) 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 provision of Regulation (EC) No 1049/2001 and considered of the opinion of the third party, we have come to the conclusion, which is further explained in the next paragraph, that no access can be granted to the requested documents as their disclosure is prevented by an exception to the right of access laid down in Article 4 of the Regulation.

3. REFUSAL OF DOCUMENTS

3.1 Article 4(1)(a) first and third indent of Regulation (EC) No 1049/2001 – Public security and international relations

Since the five indicated documents originate from a third party, the originator of the document has been consulted.

Following an examination of the five identified documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, we regret to inform you that your application cannot be granted, as disclosure is prevented by the exceptions to the right of access laid down in Article 4(1)(a) first indent and third indent of the Regulation 1049/2001.

The author of the five identified documents has objected to disclosure of the documents arguing that their disclosure would undermine the protection of the public interest as regards public security and international relations.

More in details, the ISAA reports contain sensitive data concerning crisis management, collected from different information sources from Member States, institutions and international partners.

Moreover, if the contributors feared that such information would be released to the public, this could affect their cooperation in this regard and have a clear impact on the coordination of their response as well as the quality of decision making.

The consulted third party and the Commission services have considered whether partial access can be given to the requested documents, in accordance with Article 4(6) of the Regulation. However, this sharing tool of information hinges on mutual trust data, composed in an "interrelated format", so that the content of such documents is to be considered an inseparable whole. Therefore, no access can be granted to the five identified documents.

4. No documents held

With regard to the second part of your request (“*protocols or similar documents of the informal roundtables in the months January and February 2020.*”), we regret to inform you that the Commission does not hold any documents falling under the scope.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your

application, are held by the Commission, the Commission is not in a position to fulfil your request.

5. 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, also in relation to this specific reply.

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 faithfully,



Enclosure: list of documents