



EUROPEAN COMMISSION  
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Acting Director General

Brussels,  
SANCO/E3/FF/np

**By registered e-mail with  
acknowledgment of receipt**

Dear [REDACTED],

**Subject: Your application for access to documents – Ref. GestDem [REDACTED]**

We refer to your request for access to documents registered on [REDACTED] under the above mentioned reference number.

### **1. Scope of your request**

In your application you requested access to the document "*D036861/01 - DRAFT COMMISSION REGULATION (EU) No .../.. of XXX amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for guazatine in or on certain products*".

### **2. Reasons for refusal**

This document relates to a decision which has not yet been taken by the Commission. Having examined this document, we regret to inform you that access cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

The document was submitted for discussion at the meeting of the Standing Committee on Plants, Animals, Food and Feed - Section "Phytopharmaceuticals - Pesticide residues" held on 24 and 25 November 2014; no decision on its final content has been taken to date. Disclosure of this document at this time would undermine the protection of the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external

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[REDACTED]

pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document<sup>1</sup>.

We have considered whether partial access could be granted to the document requested. This document is entirely covered by the exception.

### **3. Overriding public interest**

The exceptions to the right of access provided for in Article 4(3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested documents. In your application you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001. The public interest in this case is rather to protect the Commission's decision-making process.

### **4. Means of redress**

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below.

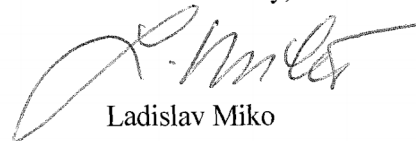
The Secretary-General will inform you of the result of such review within 15 working days from the date of registration of your request. You will either be given access to the document or your request will be rejected, in which case you will be informed of what further action is open to you.

All correspondence should be sent to the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles

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

Yours faithfully,



Ladislav Miko

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<sup>1</sup> Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 reads as follows: "Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure".