



EUROPEAN COMMISSION
Directorate-General for Trade

The Director-General

Brussels, 27 May 2013
DG TRADE E.1/DL/DI

Mr. Pascoe Sabido
ask+request-410-faee94a0@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 1192/2013

Dear Mr Sabido,

Thank you for your message dated 19th April 2013 in which you request the Directorate General for Trade to review its decision not to disclose the full membership list of the High Level Working Group on Jobs and Growth (HLWG). We understand this to be a request for clarification rather than a formal confirmatory request under the regulation 1049/2011, which would rather be addressed to the Secretariat General.

In your message you maintain that the HLWG, as any other expert group set up by the Commission and other similar entities should be subject to the transparency requirements set up in the rules on Commission expert groups. Let me clarify that the High Level Working Group on Growth and Jobs was established by the Transatlantic Economic Council upon request from the Leaders of the United States and the European Union at the 28 November 2011 EU-US Summit meeting. It is not, therefore, an expert group falling under the categories referred to in the register of expert groups and other similar entities because, first, it is a joint working group set up by the US government and the European Commission and second, its role was not to provide advice and expertise to the European Commission. An explanation of the set up and functioning of such expert groups is available in the following website:
<http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2>.

I believe the other issues raised in your message have been responded to in our earlier correspondence.

In relation to a list of members of the HLWG we informed you in our messages dated 5th, 6th and 13th March 2013 that such a membership list of the HLWG does not exist and that consequently your request does not fall under Regulation No 1049/2001.

As indicated in our message dated 13th March 2013, we believe that our duties according to the Code of Good Administrative Behaviour had been fully respected as we have shared with you, within the stipulated deadlines, the information which is publicly available, namely, the two reports of the HLWG as well as the names of the two chairs.

Finally, we provided you in our message dated 8th April with detailed information on the various public consultations gathered by our services since the launch of the work of the High Level Working Group.

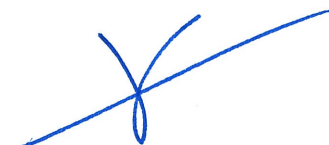
In light of the above we regret to inform you that we do not have additional elements to add to our earlier decision on your request.

Nevertheless, we draw your attention once again for you, in accordance with Article 7(2) of Regulation 1049/2001, to have the choice 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
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

The Secretary-General will inform you of the result of this review within fifteen working days from the registration of your request, either granting you access to the documents or confirming the refusal. In the latter case, you will be informed of how you can take further action.

Yours sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' and 'L' followed by a horizontal line.

Jean-Luc DEMARTY