



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate A - Resources, Information and Policy Coordination
Information, Communication and Civil Society

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Nicola Freeman

Alliance for Lobbying Transparency and
Ethics Regulation (ALTER-EU)

Mundo B, Rue d'Edimbourg 26

B-1050 Brussels, Belgium

*By registered letter with
acknowledgement of receipt*

Subject: Your application for access to documents – Ref GestDem 2015/4318

Dear Ms Freeman,

We refer to your request for access to documents of 20 July 2015, registered on 10 August 2015 under the above mentioned reference number.

In your request you ask for a list of meetings between interest representatives and Commission officials employed at grades AD 9-AD 16 (including Deputy Directors-General, Principal Advisers, Directors, Heads of Unit and Deputy Heads of Unit, excluding translators and interpreters) since 1 December 2014, regardless of the topic area or legislative file covered, that contains the following information: which companies/organisations were present at the meeting, names of the lobbyist(s) that were present, the sector they represented (business, NGOs, academia, think tanks), the name and job title of the European Commission officials that were present (e.g. head of unit, etc.), the issues discussed, if possible in sufficient detail so as to identify the dossiers or policy initiatives covered.

On 22 July 2015 we sent you a request for clarification. We explained that the very broad description given in your application did not enable us to identify a list or lists corresponding to your request.

We therefore used the possibility under the Access to Documents regulation (Article 6(2) of Regulation 1049/2001) to provide us with more detailed information, for example, the subject matter discussed during the meetings, name of specific companies of interest to you, or reference number of specific documents or the names of those involved in drafting the documents.

On 7 August 2015 you reduced the scope of your request to meetings with Commission officials employed at grades AD 9-AD 16 (including Deputy Directors-General, Principal Advisers, Directors, Heads of Unit and Deputy Heads of Unit, but excluding translators and interpreters). We can confirm that we do not have a document containing this type of information for the range of staff identified.

That said, you will be aware that part of your request is covered by the fact that, as part of its new transparency initiative last December the Commission publishes information on all meetings with business and non-governmental organisations or self-employed individuals, with Commissioners, their Cabinets¹ and their Directors-General. With respect to DG Trade that list can be found at: <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=5f4689e0-014c-4bec-8125-f9e6d3592c86>.

This approach² reflects a political assessment of what constitutes a proportionate response to balancing the needs of transparency and accountability (based on the role and the level of responsibility exercised), the protection of personal data, the need to minimise administrative burden and to ensure effective policy delivery.

Regarding the extension to other staff categories, we would like to recall that the recommendation addressed to all staff to check the credentials of a given interest representative to make sure they feature on the Transparency Register is already stipulated in the Commission Practical Guide to Staff Ethics and Conduct. The Secretariat General constantly promotes this "good practice" as part of its training and awareness-raising actions on relations with interest groups.

As regards trade policy, Commissioner Malmström started her mandate with a clear commitment to transparency and engagement with civil society. In order to increase transparency several steps have already been undertaken, in particular related to the negotiations on the Transatlantic Trade and Investment Partnership (TTIP)³. In line with the above-mentioned transparency initiative of the Commission, meetings between Cabinet Members and civil society or business are already publicly available, as well as meetings in which the Director General for Trade has participated.

As specified in Article 2(3) of Regulation 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 have been identified, the Commission is not in a position to handle your request.

In accordance with Article 7(2) of Regulation 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:

¹ This refers to members of the Commissioner's cabinet in the function group AD (Administrator).

² C(2014) 9048 and Decisions (C(2014) 9051 of 25.11.2014.

³ [Insert reference to TTIP transparency]

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Güllner', with a long, sweeping horizontal stroke at the end.

Lutz GÜLLNER
Head of Unit