

## EUROPEAN COMMISSION

Directorate-General for Trade

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

Brussels, **16 NOV. 2015**  
trade.a.3.dir(2015)5581036

Lora Verheecke  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
1050 Brussels  
Belgium

***By email:***

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ea6404f8@asktheeu.org](mailto:ask+request-2373-ea6404f8@asktheeu.org)

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8568ecba@asktheeu.org](mailto:ask+request-2375-8568ecba@asktheeu.org)

***By registered mail***

Dear Ms Verheecke,

**Subject: Your applications for access to documents – Ref GestDem No 2015/5684 and 2015/5715**

We refer to your emails dated 29/10/2015 in which you make requests for access to documents, registered on 29/10/2015 (5684) and 30/10/2015 (5715).

Your applications concern "*all communication, including e-mails, and documents (agenda, minutes, list of participants, etc.)*" related to the following:

- *meeting between Christian Burgsmueller and the European Services Forum (ESF) on 27th October 2015 (2015/5684); and*
- *meeting between Maria Asenius and Business Europe (BE) on 13th October 2015 (2015/5715).*

There are two documents that relate to the meeting of 27 October (request 2015/5684): 1) a chain of emails for the request of the meeting and 2) a meeting report dated 28 October 2015. We can disclose both documents to you, redacted only by names of Commission and ESF non-managerial staff. This meeting was organized as a meeting with ESF. The report subject indicates meeting with BE which is due to the fact that ESF is member of BE and often the same people participate both in meetings with ESF as well as with BE.

Regarding the meeting on 13 October (request 2015/5715) there is no specific report of the meeting and no other documents were identified for this request. The subjects discussed in the meeting were: Ukraine Business Summit and more general trade policy.

The names in the above mentioned two documents relating to meeting of 27 October 2015 have been withheld according to the protection of personal data as provided in Article 4.1 (b) of the Regulation (EC) No 1049/2001. Pursuant to this article, access to a document or part of it has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established. Therefore, we are disclosing the documents requested expunged from this personal data.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review these positions.

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-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 sincerely,



Lutz Güllner  
Head of Unit

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment in *Commission v Bavarian Lager*, EU:C:2010:378, paragraphs 63-64; judgment in *Guido Strack v Commission*, EU:C:2014:2250, paragraphs 101.

1.

## TRADE ACCES DOCUMENTS

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**From:** Kerneis Pascal - ESF <p.kerneis@esf.be>  
**Sent:** 16 October 2015 15:33  
**To:** VERLY Johan (CAB-MALMSTROM)  
**Cc:** [ 4.1 b ] - ESF  
**Subject:** RE: Meeting request with Commissioner Malmström from Sir Harris -Chairman of ESF - 27 October 2015

Dear Mr Verly,

Many thanks for your message. Yes, a meeting with Mr Christian Burgsmüller, your Cabinet member in charge of TTIP with ESF Chairman on 27 October at 11:00 a.m. is perfect for us.  
I will come back to you with a final list of participants from our side, but I can already give you the following names:

1. Sir **Thomas Harris**, Former Vice-Chairman Asia - Standard Chartered Bank; Chairman, European Services Forum (ESF)
2. Mr. **John Cooke**, Chairman, Liberalisation of Trade in Services (LOTIS) Committee, TheCityUK; Vice-Chairman of ESF Policy Committee
3. Mr. **Ralph Kamphöner**, Director of Policy, Trade & Non-Food, EuroCommerce; Vice Chairman of the Policy Committee, European Services Forum (tbc)
4. Mr. **Pascal Kerneis**, Managing Director, European Services Forum
5. [ 4.1 b ] Assistant to Director, European Services Forum

Best regards, Pascal

Pascal Kerneis  
Managing Director  
European Services Forum (ESF)  
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**From:** [Johan.VERLY@ec.europa.eu](mailto:Johan.VERLY@ec.europa.eu) [<mailto:Johan.VERLY@ec.europa.eu>]  
**Sent:** vendredi 16 octobre 2015 12:20  
**To:** Kerneis Pascal - ESF  
**Cc:** [ 4.1 b ] ESF  
**Subject:** RE: Meeting request with Commissioner Malmström from Sir Harris -Chairman of ESF - 27 October 2015

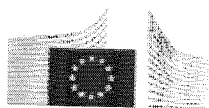
Dear Sir,

As already confirmed over the phone, Commissioner Malmström is unable to meet with Sir Harris as her presence is required in Strasbourg for the Plenary Session of the European Parliament. However, we can suggest that a meeting be organized with Christian BURGsmüller, our Cabinet member in charge of TTIP. Please let me know whether a meeting on 27 October at 11:00 a.m. would be agreeable to you. Thanks.

Kind regards,

Johan VERLY  
European Commission  
Cabinet of Commissioner Cecilia MALMSTRÖM: Trade  
Assistant to Catrine NORRGÅRD, Joakim LARSSON and Christian BURGSMÜLLER

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facsimile: +32 2 29 79962



European Commission

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**From:** Kerneis Pascal - ESF [<mailto:p.kerneis@esf.be>]  
**Sent:** Tuesday, October 06, 2015 5:05 PM  
**To:** MALMSTROM Cecilia (CAB-MALMSTROM)  
**Cc:** ASENIOUS Maria (CAB-MALMSTROM); [ 4.1 6 ] (CAB-MALMSTROM); BURGSMUELLER Christian (CAB-MALMSTROM); NYMAN Jon (CAB-MALMSTROM); MUNGENGOVA Jolana (CAB-MALMSTROM); [helen.cogels@eu.europa.eu](mailto:helen.cogels@eu.europa.eu); CEBALLOS BARON Miguel (CAB-MALMSTROM); [ 4.1 6 ] - ESF  
**Subject:** Meeting request with Commissioner Malmström from Sir Harris -Chairman of ESF - 27 October 2015

Dear Commissioner Malmström,

ESF is following closely the EU trade policy developments and already sent you our suggestions on the content of the EU Trade policy. We are impatient to discover your new Trade Policy Strategy to be released on 14<sup>th</sup> October and exchange views on its content. We are particularly active in following the TTIP negotiations and would like to express to you our preliminary views on the revised Services Offers and on the recent Investment proposal by the Commission.

The ESF Policy Committee is meeting in Brussels on 27<sup>th</sup> October 2015 in the afternoon. On that occasion, I would like to express a formal request for a meeting on that day in the morning with ESF Chairman, Sir Thomas Harris, and few other ESF representatives, including myself.

Should you not be available on that day, may I kindly ask for a meeting with a member of your cabinet.

I look forward to hearing from you on this issue.

Yours sincerely,

Pascal Kerneis  
Managing Director  
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## TRADE ACCES DOCUMENTS

**From:** VERLY Johan (CAB-MALMSTROM)  
**Sent:** 29 October 2015 17:34  
**To:** TRADE ACCES DOCUMENTS  
**Cc:** MUNGENGOVA Jolana (CAB-MALMSTROM); BURGSMUELLER Christian (CAB-MALMSTROM)  
**Subject:** FW: meeting with Business Europe on trade strategy and TTIP 27/10/2015  
**Attachments:** RE: Meeting request with Commissioner Malmström from Sir Harris -Chairman of ESF - 27 October 2015

**From:** [ 4.1 b ](TRADE)  
**Sent:** Wednesday, October 28, 2015 6:41 PM  
**To:** SCHLEGELMILCH Rupert (TRADE); GARCIA BERCERO Ignacio (TRADE); [ 4.1 b ](TRADE); [ 4.1 b ](TRADE); [ 4.1 b ](TRADE); [ 4.1 b ](TRADE);  
[ 4.1 b ](TRADE); [ 4.1 b ](TRADE); [ 4.1 b ](TRADE); [ 4.1 b ](TRADE);  
**Cc:** [ 4.1 b ](TRADE); BURGS Mueller Christian (CAB-MALMSTROM)  
**Subject:** meeting with Business Europe on trade strategy and TTIP 27/10/2015

for ARES registration

Meeting btw. C. Burgsmuller (CB) and M. Galar with Businesseurope (BE) (Sir Harris, Pascal Kerneis, J. Cook, R. Kamphoner) on EU's trade and investment strategy and TTIP negotiations. Date 27/10/2015

CB presented the Commission's perspective on the following points made BE:

On strategy:

- Overall, BE was pleased with the EU trade strategy and particularly with the positive outcome on data flows.
- BE was concerned with sequencing the BIT negotiations with Taiwan only after concluding a BIT with China.
- BE was "relaxed" about starting negotiations with AU and NZ as those countries are largely liberal in services.
- As compared to the previous strategy, BE was surprised to see less focus on the BIT with China

On TPP:

- Based on the received feedback, BE was not impressed with the TPP outcomes on services including in particular no anti-localization obligation under the FS chapter, poor results on procurement, exclusions from Investment protections. They hope that a similar situation will not happen under TTIP.

On TTIP:

- BE was concerned by the lack of progress in the negotiations on their key interests (telecoms, transport, regulatory cooperation, procurement, sub-federal transparency)
- BE was worried about the consequences of the ECJ ruling on data flows and the subsequent regulatory actions by the EU (reliance on adequacy rather than on other mechanisms allowing for the transfer of data). They stressed that this is a key issue for their stakeholders.

- BE was disappointed with the Commission's proposal on ISDS (definition of investment, expropriation, exceptions embedded in the scope) and expressed hopes that the US would refuse to negotiate on the basis of the EU proposal