



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate A. International bilateral relations
A.1. The Americas

Brussels,
R.6/RW D(2016) 5400806

By registered letter with acknowledgment of receipt:

Hans WETZELS
Van Spilbergenstraat 84-3
1057RL, Amsterdam

Advance copy by email: ask+request-3209-1445440e@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2016/4520

Dear Sir,

We refer to your e-mail dated 10/08/2016 in which you make a request for access to documents, registered on 10/08/2016 under the above mentioned reference number.

You request access to:

- on the topic of TTIP; all correspondence (including emails), the list of meetings with detailed minutes and any other reports of such meetings between DG AGRI's officials (including the Commissioner and his Cabinet members) and representatives and/or officials of DG TRADE between January 2013 and January 2014.
- on the topic of TTIP; all correspondence (including emails), a list of meetings with detailed minutes and any other reports of such meetings between DG AGRI's officials (including the Commissioner and his Cabinet members) and farmers' organisations and/or representatives from all farming sectors from any EU member state between January 2013 and January 2014.
- on the topic of TTIP; a list of meetings with detailed minutes and any other reports of such meetings between DG AGRI's officials (including the Commissioner and his Cabinet members) and representatives of the following companies and industry associations: FoodDrinkEurope, Cocal, EuropaBio, Business Europe, European Crop Protection Association (ECPA) between January 2013 and January 2014.

Your application is currently being handled. However, we will not be in a position to complete the handling of it within the time limit of 15 working days, which expires on 1 September 2015.

An extended time limit is needed as part of the documents requested originate from third parties who have to be consulted. In addition, in order to retrieve other documents

requested, large files have to be examined. We apologise for this delay and for any inconvenience this may cause.

However, as a preliminary reply, we have identified 9 documents falling within the scope of your request. These documents pertain to meetings with farmers' organisations and/or representatives from all farming sectors as well as meetings with companies or industry associations identified in your request. The list of documents is detailed in the table below.

No	<i>Title/kind (email, note) of document</i>	<i>Author of the document</i>	<i>Ares number of the document</i>	<i>Decision</i>	<i>Comment or justification in case of refusal</i>
1	FoodDrink Europe (23/04/2013)	AGRI A1	Ares(2015) 2661838	Partial access	Art. 4.1 (b) privacy
2	COCERAL (19/06/2013)	AGRI C4	Ares(2013) 2439865	Partial access	Art. 4.1 (a) international relations and Art. 4.1 (b)
3	COPA-COGECA (1/07/2013)	AGRI A1	Ares(2015) 2466701	Partial access	Art. 4.1 (a) and Art. 4.1 (b)
4	FoodDrink Europe and COPA-COGECA (10/07/2013)	AGRI B2	Ares(2015) 2516086	Partial access	Art. 4.1 (a) and Art. 4.1 (b)
5	French Bureau Interprofessionnel du Pruneau (12/09/2013)	AGRI A1	Ares(2015) 2646513	Partial access	Art. 4.1 (a) and Art. 4.1 (b)
6	CIBE (International Confederation of European Beet Growers) (13/09/2013)	AGRI A1	Ares(2015) 2648130	Partial access	Art. 4.1 (a) and Art. 4.1 (b)
7	COCERAL (23/09/2013)	AGRI A1	Ares(2015) 2648713	Partial access	Art. 4.1 (a) and Art. 4.1 (b)
8	COPA-COGECA and FoodDrink Europe (7/11/2013)	AGRI A1	Ares(2015) 2661127	Partial access	Art. 4.1 (b)
9	CIVC (Comité Interprofessionnel du vin de Champagne) (29/01/2014)	AGRI A1	Ares(2015) 2652236	Partial access	Art. 4.1 (a) and Art. 4.1 (b)

Please note that the list does not include the minutes of the meetings of the Civil Dialogue Group to which some of the organisations covered by your request participate. The minutes of these meetings are publicly available at http://ec.europa.eu/agriculture/civil-dialogue-groups/index_en.htm.

Having examined documents number 2, 3, 4, 5, 6, 7 and 9 requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed. Some parts of these documents have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The redacted parts of the documents cannot be released as their disclosure would undermine the protection of the public interest as regards international relations insofar as they include information and opinions on strategic approaches related to the TTIP negotiations with the United States. Therefore the exceptions laid down in Article 4(1) (a) third indent of Regulation (EC) No 1049/2001 apply to these documents.

The exception laid down in Article 4(1) (a) third indent is applied to refuse access to parts or entire documents for the information contained in them cannot be disclosed as the success of the negotiations depends to a large extent on the protection of objectives, tactics and fallback positions of the parties involved. While the Commission is highly committed to the principle of transparency, a certain level of discretion and special care in handling its negotiating documents is essential. Only by safeguarding this discretion can the Commission preserve the room for manoeuvre required to lead the negotiations to a conclusion which promotes the EU interest.

Disclosing these documents poses a real and concrete risk of undermining the chance of success for the on-going negotiations, and would, more generally, have detrimental effects on the Commission's position in similar international negotiations.

Please note that the 9 documents contain personal data which have been redacted. Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

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 and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons

¹ Official Journal L 8 of 12.1.2001, p. 1.

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

concerned. Therefore, we are disclosing the documents requested expunged from these personal data.

Please note that documents 2, 3 and 6 contain elements which do not relate to TTIP negotiations and which are therefore outside the scope of your request. These elements have also been redacted from the 3 documents.

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.

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 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

e-signed
Jean-Marc Trarieux
Head of Unit