



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,  
DG/JP/R.6/VK/RW D(2016) 5966840

***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](mailto: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' organizations 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, Coceral, EuropaBio, Bussiness Europe, European Crop Protection Association (ECPA) between January 2013 and January 2014.

With letter reference Ares(2016)4918173 of 1<sup>st</sup> September, you have been informed that an extended time limit was needed.

On top of the 9 documents which have already been transmitted to you, we have identified 17 additional documents which fall within the scope of your request. These documents pertain (1) to correspondence between DG AGRI's officials and farming organisations

and/or representatives from all farming sectors from EU Member States between January 2013 and January 2014 and (2) correspondence and meetings between DG AGRI's officials, including Commissioner Ciolos and his cabinet members and officials of DG TRADE between January 2013 and January 2014. Please note that we did not include documents which were merely copied for information between DG TRADE and DG AGRI and documents which were sent by DG AGRI to DG TRADE for transmission to other EU institutions as these documents do not result in policy exchanges between the two services.

Documents n°7, 9, and 11 are owned by DG TRADE to which you have sent a separate request for access to documents (request Gestdem 2016/4483). For these 3 documents, we therefore refer you to DG TRADE's response to your request.

Please note that we did not identify new documents pertaining to meetings with farmers' organisations and companies or industry associations mentioned in your request in addition to the 9 documents already transmitted to you on 1<sup>st</sup> September.

The list of documents is detailed in the table annexed to the letter:

Having examined the 17 documents and after having consulted the author of documents 1, 3 and 4 requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that these documents may be partially disclosed with the exception of documents 13, 15, 16 and 17 which may not be disclosed. The disclosure of some parts or whole of these 4 documents is prevented by exception to the right of access laid down in Article 4 of this Regulation.

Indeed these 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 Articles 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 fall-back 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.

Concerning documents 1 to 6, 8, 10, 12 and 14, our examination lead to the conclusions that they may be partially disclosed. These 10 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 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 and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment above concerning partial non-disclosure of requested documents, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Jerzy PLEWA

Annex: list of identified documents and 10 documents

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

<sup>2</sup> 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.