



EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

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***By registered letter with
acknowledgment of receipt***

Mr Max Bank
LobbyControl
Am Justizzentrum 7
50939 Cologne
Germany

Advance copy by email:
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Subject: Your application for access to documents – Ref GestDem No 2017/5327

Dear Mr Bank,

I refer to your request of 14 September 2017 for access to documents under Regulation (EC) No 1049/2001¹ ("Regulation 1049/2001"), registered under the above mentioned reference number on 15 September 2017.

Please accept again our apologies for the delay in answering to your request, which is mainly due to a high number of requests for access to documents being processed at the same time by DG TRADE and more concretely by the unit in charge of this request. At the same time, even though - as set out below - DG TRADE does not hold any documents corresponding to the description given in your application, it still required a thorough research that took a certain time to establish that situation.

More specifically, you requested access to:

- 1) a list of meetings of DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and Philip Morris in which the Japan-EU Free*

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

Trade Agreement JEFTA was discussed (between January 2017 and today, i.e. 14.09.2017);

- 2) *minutes and other reports of these meetings;*
- 3) *all correspondence (including emails) between DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and Philip Morris in which the Japan-EU Free Trade Agreement JEFTA was discussed (between January 2017 and today, i.e. 14.09.2017).*

Please note that the agreement which you refer to is called the EU-Japan Economic Partnership Agreement (EPA).

We regret to inform you, as indicated above, that DG TRADE does not hold any documents that would correspond to the description given in your application.

Indeed, 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 DG TRADE does not hold any such documents corresponding to the description given in your application, we are 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:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
BE-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Jean-Luc DEMARTY