



EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

Brussels,
DG Trade/Ares save (2013)2878218

Mr Hees Jan-Jitze
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Subject: Your application for access to documents – Ref GestDem No 3166/2013

Dear Mr Hees,

Thank you for your request for access to documents under Regulation (EC) No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents (“the Regulation”), registered under the above mentioned reference number.

We understand from your request that you would like to have access to joint statements, final reports (of meetings), press releases and Memoranda of Understanding produced or concerning the following dialogues between the EU and China:

1. Trade defence instrument (dialogue 1)
2. Market Economy Status Working Group (dialogue 2)
3. High Tech Working Group (dialogue 3)
4. Dialogue/WG on Intellectual Property Rights (dialogue 5)
5. Sustainable Development Task Force (dialogue 9)
6. EU China Trade and Investment Policy Dialogue (dialogue 11)

We have identified 36 documents that fall under the scope of your request and we are pleased to inform you that we hereby grant you full access to 25 of them.

Together with this letter we are sending you:

- 1) a list of documents
- 2) Documents 3, 4, 5 and 27
- 3) a document containing links to documents 6-26, that can be also found at the following link http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc_150992.pdf

¹ OJ L145, 31.05.2001, page 43

Please note that these documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

The rest of the documents are covered by the exceptions provided by Article 4 of the Regulation and cannot be released.

These 11 documents are all internal reports of meetings with the Chinese side and their disclosure is prevented by exceptions to the right of access laid down in Article 4 of the Regulation. These documents contain details of strategic/policy issues bi-laterally discussed with the Chinese authorities which, if disclosed, could harm our international relations with this country (Article 4.1 (a) third indent of the Regulation). If this information is publicly disclosed we would undermine the climate of confidence which is needed for such Policy Dialogues to operate successfully. There would be a high risk that both parties would avoid engaging in discussions of substance in the next meetings, thereby undermining the public interest of the European Union.

In accordance with Article 4.6 of the Regulation, we have also examined the possibility of granting partial access to the documents concerned. However, it follows from the assessment made above that the release of the documents you request is manifestly and entirely covered by the exception mentioned above.

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-5
BERL 5/327, B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely

Joao Aguiar Machado
Director General Adjoint

Jean-Luc DEMARTY