



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Director-General

Brussels,
MARE.E.4/MLC/ae

Ms. Selene Alvarez
The Pew Charitable Trust
Avenue des Arts 40
1000 Brussels
BELGIUM

By registered letter with acknowledgment of receipt
Advance copy by email: ask+request-6432-eb368154@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2019/1115

Dear Madam,

We refer to your e-mail dated 22 February 2019 in which you make a request for access to documents, registered on 27 February 2019 under the above-mentioned reference number.

You request access to the following documents related to the total allowable catches (TACs) for Deep Sea fish stocks for 2019:

1. Any records, minutes or notes of meetings/discussions that took place between the Commission and the Member State representatives on the TACs for 2019, including any minutes or notes of Council working party/ministerial meetings taken by Commission staff, and any internal Commission briefings on the subject.
2. Any socio-economic evidence used to support exceeding ICES scientific advice.
3. Any calculations applied to ICES scientific advice on catches to arrive at proposed TACs.
4. A detailed description of the methodology used to calculate quota adjustments (top-ups or deductions);
5. The calculations that the proposed and agreed quota adjustments (top-ups or deductions) were based on, ideally in Excel spreadsheet format.

We understood that you do not seek access to documents that you can search for in the Council register. Therefore, these documents are not included in our assessment. My

services have examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents.

I regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application. With regard to documents under categories 1 to 3, the Commission did not produce any document that matches the features requested in your application. For an official record of the exchanges between Member States and the Commission on this topic, you may want to address yourself to the Council, which has produced a comprehensive report of the Council proceedings..

With regard to documents under categories 4 and 5, there is no top-up or deductions for the Deep Sea TACs.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours faithfully,

João AGUIAR MACHADO
(e-signed)