

Brussels, 08 JAN. 2014

Mrs Eberhardt

Via email:

ask+request-667-9eb93acb@asktheeu.org

Trade.dga2.g.3(2013)3369652

**Subject: Request for access to documents – Gestdem Reference 2013-3650 – first batch - reports of MAAC meetings**

Dear Mrs Eberhardt,

Thank you for your message of 11 July 2013, requesting access to documents under Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

This first reply corresponds to the second part of your request asking for access to the minutes and other reports of the meetings of the market access advisory committee (MAAC) which took place between February 2012 and the date of your request (11 July 2013). We have identified sixteen meeting reports falling under the scope of your request:

- (1) MAAC of 20 February 2012
- (2) MAAC of 22 March 2012
- (3) MAAC of 25 April 2012
- (4) MAAC of 29 May 2012
- (5) MAAC of 26 June 2012
- (6) MAAC of 19 July 2012
- (7) MAAC of 24 September 2012
- (8) MAAC of 18 October 2012
- (9) MAAC of 15 November 2012
- (10) MAAC of 13 December 2012
- (11) MAAC of 24 January 2013
- (12) MAAC of 19 February 2013
- (13) MAAC of 22 March 2013
- (14) MAAC of 18 April 2013
- (15) MAAC of 22 May 2013
- (16) MAAC of 24 June 2013

I am pleased to inform you that these documents are attached to the present letter.

However, in order to withhold their opinions or political strategies as well as the substance of their market access concerns and based on the confidentiality clause set out

in the rules of procedures of the MAAC which were adopted on 15 December 2011 and based on the Comitology Regulation (Regulation (EU) No 182/2011 of 16 February 2011) no names of EU Member States or business associations which intervened in the meetings are disclosed in the documents, in accordance with article 13 of the rules of procedure, "*the committee's discussions shall be confidential*". Based on this confidentiality clause, and in line with the Regulation 1049/2001, as a general rule, we have replaced reference to EU Member States by [MS] to protect their international relations with the third country (Art. 4.1 (a) third indent of Regulation No 1049/2001) and reference to business associations by [BU] to protect their commercial interests (Art. 4.2 second indent of Regulation No 1049/2001).

Other parts of the documents cannot be released because they are covered by Art. 4.1 and 4.2 of Regulation 1049/2001, which allow, respectively, the refusal of access to a document which could *inter alia* undermine the protection of international relations or commercial interests of natural or legal person.

In preparing our response we have tried to ensure as much transparency as possible, in accordance with the regulation, so for example we are able to release information regarding specific market barriers in most cases but have to withhold information which might indicate the identity of specific companies or organizations, whose commercial interests may be harmed by placing their identity in the public domain.

In other cases, the sentences or passages withheld involve the identity of third countries, with whom a joint approach to a particular barrier may have been pursued. Revealing such details would harm the EU's international relations vis-à-vis both these third countries and the country in which the market barrier exists.

Furthermore, the tactical approaches towards specific problems have been withheld as release of such information would undermine our position when tackling the issue and could have an impact on the EU's international relations.

In the Annex you will find a detailed reasoning for withholding particular parts of these documents.

The exceptions laid down in Article 4.2 and 4.3 of the Regulation apply unless there is an overriding public interest in disclosure of the documents. Accordingly, the presence of an overriding public interest in disclosure has also been assessed. In the present case, there is no such evidence. On the contrary, the prevailing interest in this case rather lies in protecting decision making process and the commercial interests of the concerned industries and companies.

I must remind you that the enclosed documents cannot be reproduced or disseminated for commercial purposes unless the Commission has first been consulted.

If you want this position to be reviewed you should write to the Commission's Secretary General at the address below, confirming your initial request. You have fifteen working days to do so, after which your initial request will be deemed to have been withdrawn.

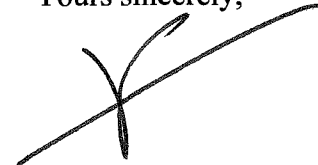
The Secretary General will inform you of the result of this review within fifteen working days from registration of your request, either granting you full access to the documents or

confirming partial refusal. In the latter case, you will be informed of how you can take further action.

All correspondence should be sent to the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-5  
BERL 5/327  
B-1049 Bruxelles  
[sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'X' or 'J' shape with a long horizontal stroke extending to the right.

Jean-Luc DEMARTY

Enclosures:

Annex – detailing reasons for partial non-disclosure  
Sixteen MAAC reports