Subject: Your application for access to documents EASE No 2023/5306

Dear Ms Vaughan,

We refer to your request for access to European Commission documents registered on 14/09/2023 under the above-mentioned reference number.

You request access to all documentation, including but not limited to attendance lists, agendas, background papers, minutes/notes, and email correspondence about or summarising, the following meetings:


2. Between Commissioner Virginijus Sinkevičius and European Association of Fish Producers Organisations on 06/02/2023.


7. Between Commissioner Virginijus Sinkevičius and European Association of Fish Producers Organisations on 30/06/2021. “

We have identified 17 documents falling within the scope of your request. You can find the detailed list in annex to this letter.
1. Assessment under Regulation (EC) No 1049/2001

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 (hereinafter “the Regulation”) regarding public access to documents, I have come to the following conclusion:

- **Full disclosure:**

  Document n. 7.2 and 11 can be fully disclosed. Please find them attached.

- **Partial disclosure:**

  Parts of documents n. 1 to 8, 12 and 13 have been blanked out as their disclosure is prevented by the following exceptions to the right of access laid down in Article 4 of the Regulation:

  a) **Privacy and the integrity of the individual – Article 4(1)(b)**

  Parts of documents n. 1 to 8, 12 and 13 have been blanked out as their disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of the Regulation, because they contain the following personal data:

  - the names/initials and contact information of Commission staff members not pertaining to the senior management;
  - the names/initials and contact details of other natural persons;
  - other information relating to an identified or identifiable natural person.

  Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of the personal data except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

  Consequently, I conclude that the exception laid down in Article 4(1)(b) of the Regulation applies to the redacted parts of the documents.

  b) **Protection of court proceedings – Second indent of Article 4(2)**

  The disclosure of documents n. 1, 3.1, 5, and 12 is prevented by exceptions to the right of access laid down in Article 4 of the Regulation. In particular, those documents contain information that could reveal the positions of the parties during the ongoing Court proceedings (T-681 and 781/22). Therefore, pursuant to the second indent of Article 4(2), full disclosure of these documents would undermine the protection of court proceedings.
The exceptions laid down in Article 4(2) of the Regulation apply unless there is an overriding public interest in disclosure of the documents. We note that you do not put forward any elements to demonstrate the existence of an overriding public interest in disclosure of these parts of the requested documents, nor have we been able to identify any elements capable of demonstrating the existence of a public interest that would override the need to protect the above-named purposes.

Consequently, I conclude that the exceptions laid down in Article 4(2) of the Regulation applies to these documents.

c) Protection of the public interest as regards international relations – Article 4(1)(a)

Parts of document n. 8 have been blanked out as their disclosure is prevented by an exception to the right of access laid down in the third indent of Article 4(1)(a) of the Regulation concerning the protection of the public interest as regards the international relations. As far as the protection of international relations is concerned, the EU Court has acknowledged that the institutions enjoy a wide discretion when considering whether access to a document may undermine that public interest (Judgment of the Court of First Instance of 25 April 2007, in Case T-264/04, WWF European Policy Programme v Council, EU:T:2007:114, paragraph 40).

Disclosure of the redacted parts could be negatively perceived by the third country authorities and jeopardize the relations with it. The way in which the authorities of a third country perceive the decisions of the European Union is a component of the relations established with that third country. The General Court has also affirmed that the pursuit and the quality of those relations depend on that perception (Judgment of the General Court of 27 February 2018, Case T-307/16, CEE Bankwatch Network v European Commission, EU:T:2018:97, paragraph 90).

Specifically, disclosure of these paragraphs may have a negative impact on ongoing sharing arrangement consultations with other Coastal States for mackerel. In addition, disclosure of some parts of this document could expose EU views on this matter and this could contribute to undermining the relationship between the EU and other Coastal States.

d) Protection of the decision-making of the Commission - Article 4(3)

The disclosure of documents n. 1, 2.1, 3.1, 5, 6 and 8 is further prevented by the exception found in Article 4(3) of the Regulation since it contains opinions drafted for internal use as part of deliberations and preliminary consultations. In this case, even after a decision has been taken, disclosure of this document would seriously undermine the institution's decision-making process.

The exceptions laid down in Article 4(2) and (3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosure. However, neither did you put forward the existence of such an interest, nor have I been able to identify such an interest.
After careful consideration, I conclude that partial access may be granted as the documents are partially covered by the exception. Therefore, please find enclosed a redacted version of documents n. 1 to 8, 12 and 13.

- Full non-disclosure:
  
  a) Protection of court proceedings – Second indent of Article 4(2)
  
  For the same reasons mentioned above, documents n. 4.1 and 9 cannot be disclosed as disclosure of these documents would undermine the protection of the ongoing court proceedings.

  b) Protection of the public interest as regards international relations – Article 4(1)(a)
  
  For the same reasons mentioned above, document n. 10 cannot be disclosed as such a disclosure may have a negative impact on ongoing sharing arrangement consultations between Coastal States for mackerel. Besides, disclosure of some parts of this document could expose EU views on this matter and this could contribute to undermining the relationship between the EU and other Coastal States. I have considered whether partial access may be granted but the entirety of this document is covered by this exception.

2. Disclaimers

Please also note that documents n. 1, 2.1, 3.1, 5, 6, 8, 11, 12 and 13 were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Maritime Affairs and Fisheries. They solely reflect the author’s interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

Please note that documents n. 1, 2.1, 3.1, 5, 6 and 8 have been partially redacted as some parts were out of the scope of the request.

Documents originating from third-parties are disclosed to you based on the Regulation. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

You may reuse other public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents. You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.
3. Confirmatory application

In accordance with Article 7(2) of the Regulation, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal\(^1\) account (available only for initial requests submitted via the portal account),

or by mail:
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,

Charlina VITCHEVA
Director-General

Enclosures: Excel table of documents and type of disclosure, along with the documents for which full or partial disclosure has been granted.

\(^1\) https://www.ec.europa.eu/transparency/documents-request