



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Director-General

Brussels, 10 DEC. 2015  
DG MOVE/E3/JP 5727694

Ms Vicky CANN  
CEO  
Rue d'Edimbourg 26  
1050 Brussels, Belgium

**Subject: Your application for access to documents – Ref GestDem 2014/5503**

Dear Ms CANN,

We refer to your request of 30/10/2014 for access to documents, registered under the above mentioned reference number.

Your application concerns all documentation including correspondence from, to and within the Cabinet of the Commissioner for Transport including the Commissioner himself between January 1<sup>st</sup> 2011 and April 30<sup>th</sup> 2014 which relates to Directive 2008/101/EC, Decision 377/2013/EC, the proposed Directive 2013/0344 and Regulation 421/2014 including scope, implementation, and enforcement. You also requested all the documentation including correspondence from, to and within the Cabinet of the Commissioner for Transport including the Commissioner himself between January 1<sup>st</sup> 2012 and April 30<sup>th</sup> 2014 which related to international negotiations over the creation of an ICAO global market-based mechanism for aviation and a Framework for regional action.

Among all the documents requested only two documents remained to be examined. They concern discussion between Canada and the European Union, as well as discussion between the United States of America and the European Union on the European Union's Emission trading System and International Aviation.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Disclosure of the documents would damage the bilateral civil aviation relations with those countries as well as harm the business of the related air companies. Therefore, the exception laid down in Article 4(1) apply:

- Article 4(1) first indent of the Regulation (EC) No 1049/2001 under which "*The institutions shall refuse access to a document where disclosure would undermine the protection of: a) The public interest as regards: - international relations*"

The exception laid down in Article 4(1) of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the documents, which has not been identified in this case.

We have also considered granting partial access to the concerned documents, in accordance with Article 4(6) of Regulation 1049/2001. However they are entirely covered by the exceptions mentioned above.

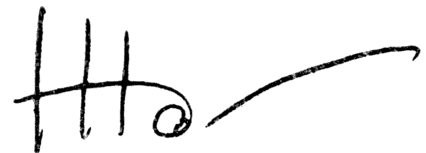
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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 Brux0elles  
or by email to: [sg~ace-doc@ec.europa.eu](mailto:sg~ace-doc@ec.europa.eu)

Please note that all documents that could have been accessed were transmitted to you, this request will therefore be closed.

Yours faithfully,

A handwritten signature in black ink, consisting of several vertical strokes followed by a circular flourish and a long horizontal stroke extending to the right.

Henrik Hololei