



EUROPEAN COMMISSION  
Directorate-General for Trade

The Director General

Brussels, 21 May 2015  
trade.dga2.e.1 (2015) 765126

Ms Vicky Cann  
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**Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2014/5174)**

Dear Ms Cann,

Thank you for your request Gestdem 2014/5174 for access to documents under Regulation No 1049/2001<sup>1</sup> regarding public access to European Parliament, Council and Commission documents ("Regulation 1049/2001").

We understand from your request that you would like to have access to:

*all documents (meeting agendas and minutes; emails and correspondence; consultation responses; and any others) which involve the European Federation of Pharmaceutical Industries (EFPIA) and Associations and the Transatlantic Trade and Investment Partnership – TTIP since 19 April 2014 – 3 November 2014.*

We have examined your request under the provisions of Regulation 1049/2001 and we have identified 15 documents falling under the scope of your request. You can find the list of documents in Annex I. Please note that in application of the code of good administrative behavior we have listed in Annex I also the meetings with EFPIA for which no report has been drafted.

Out of the 15 documents identified we are pleased to grant you:

- full access to 4 documents;
- partial access to 11 documents, out of which:

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<sup>1</sup> OJ L 145, 31.5.2001, p. 43.

- 10 documents are fully released except for the details of certain participants which have been removed in application of the exception concerning the protection of the privacy and the integrity of the individual (Art. 4.1(b) of the Regulation); and
- 1 document is covered partially by Article 4.1(b) and/or other exceptions foreseen in Article 4 of the Regulation, namely Art. 4.1(a) third indent (protection of international relations), and Article 4.2 first indent (protection of commercial interests of a natural or legal person).

A detailed assessment of the reasons why we understand that these documents are partially covered by the exceptions of Article 4 of the Regulation is annexed to our reply (Annex I).

Please note that parts of the reports have been removed for not being relevant to your request.

Concerning the application of Article 4.1(b) on the protection of privacy and the integrity of the individual, please note that when access is requested to documents concerning personal data, Regulation (EC) No 45/2001<sup>2</sup> becomes fully applicable<sup>3</sup>. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged of this personal data. If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

We hope this information will meet your needs. You may reuse the fully disclosed documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, 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.

If you would like the position taken by our service to be reviewed, you should write to the Commission's Secretary-General at the address below, confirming your initial request. In accordance with Article 7.2 of the Regulation, you have fifteen working days in which to do so from receipt of this letter, 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 the registration of your confirmatory request, either granting you access to the document

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<sup>2</sup> OJ L8 of 12.1.2001, p.1

<sup>3</sup> Judgement of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported.

or confirming the 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-4  
BERL 5/327  
B-1049 Brussels

Or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

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

Jean-Luc DEMARTY