



EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

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Amelie Canonne
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France

By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-2004-a08682cd@asktheeu.org

Dear Ms Canonne,

Subject: Your application for access to documents – Ref GestDem No 2015/2769

We refer to your e-mail of 19 May 2015¹ in which you make a request for access to documents in accordance with Regulation (EC) No 1049/2001,² registered on 19 May 2015 under the above mentioned reference number.

In particular, you would like to receive access to the following documents, with the timeline of 01/01/2014 - 19/05/2015:

- (a) List of meetings of DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies and/or industry federations during which the Conflict Minerals regulation was discussed.
- (b) Minutes and other reports of these meetings;
- (c) All correspondence (including emails) between DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and representatives of companies, business associations and law firms, in which the Conflict Minerals regulation was addressed.

¹ Your email of 19 May 2015 addressed to the functional email box TRADE-ACCES-DOCUMENTS@ec.europa.eu at 10:19 am.

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

Annex I presents a list of the meetings, including minutes and other reports of these meetings, and all correspondence as respectively requested under point a), b) and c).

To this end, we have identified four documents (numbered 6, 48, 65 and 77) that can be fully released. Document number 16 is already publicly available and a copy has been included in this file.

As specified in Annex I, we have identified 88 documents that can be partially released to you with the exception of those parts of the documents that contain personal data, in particular names of the Commission staff members and business participants. The names have been withheld according to the protection of personal data as provided in Article 4.1 (b) of the Regulation (EC) No 1049/2001.

Pursuant to Article 4.1 (b), access to a document or part of it has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data³.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable⁴. 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/or 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 from this personal data.

In addition, three can be partially released as follows:

- Document number 33 can be partially released with the exception of those parts which set out commercial information. The information has been withheld to protect the commercial interests of a natural or legal person as provided in Article 4.2 of the Regulation (EC) No 1049/2001. The one and half sentences in document 33 contain sensitive information relating to the costs and business activity that the company concerned shared with the Commission on a confidential basis. Disclosing such information by placing it in the public domain would harm the commercial interests of the company in question.
- Documents number 20 and 29 can be partially released with the exception of those parts which relate to the decision-making process of the Commission. In document 20 three sentences have been withheld indicating the Commission's services assessment of the position taken in the meeting. In document 29 one and half sentences are removed for the same reason. Full disclosure of these documents

³ OJ L 8 of 12.1.2001, p. 1

⁴ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

requested would reveal preliminary views which have a bearing on on-going decisions and options for the initiative in question. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4.3 first subparagraph of Regulation (EC) No 1049/2001 applies to these documents.

The exceptions laid down in Article 4.2 and Article 4.3, first indent of Regulation 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, first, be public and, secondly, outweigh the harm caused by disclosure. We have not been able to identify any such public interest.

In case you would disagree with the above decision and the assessment of the expunged data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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-4
BERL 5/327
B-1049 Bruxelles

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

Please note that you may reuse the fully released documents requested free of charge 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 document/documents. The Commission does not assume liability stemming from the reuse.

Yours sincerely,



Jean-Luc DEMARTY

Ignacio Garcia Bercero
Director - Ex E
DG TRADE

Annex I: list of documents