



EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

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Trade/dga2.e.1 (2016) 2637843

***By registered letter with acknowledgment
of receipt***

Ms Pia Eberhardt
Corporate Europe Observatory (CEO)
Cranachstraße 48
D-50733 Cologne

Advance copy by email:
ask+request-2287-c5927402@asktheeu.org

Subject: Your request for access to documents – Ref GestDem No 2015/5085

Dear Ms Eberhardt,

Thank you for your message of 29 February 2016 in which you indicate your list of priority meeting reports that you seek access to under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents ("the Regulation").

This note and the enclosed meeting reports form the first batch for the second part of your global request 2015/5085 in which you request access to:

1) a list of meetings of DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and stakeholders, including trade unions, civil society groups, as well as representatives of individual companies, industry associations, law firms, public consultancies and think tanks in which the Transatlantic Trade and Investment Partnership TTIP was discussed (between 12 December 2014 and 19 September 2015);

2) minutes and other reports of these meetings;

3) all correspondence (including emails) between DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and stakeholders, including trade unions, civil society groups, as well as representatives of individual companies, industry associations, law firms, public consultancies as well as think tanks

¹ OJ L 145, 31.5.2001, p. 43.

regarding the Transatlantic Trade and Investment Partnership TTIP (between 12 December 2014 and 19 September 2015).

On 11 February 2016 we sent you the list of meetings that you requested in point 1 of your application. This list was provided not under Regulation 1049/2001, but under the Code of Good Administrative Conduct.

We have identified 20 meeting reports for the meetings that you indicated as a priority. You find a full list of these documents in Annex I.

Out of the 20 reports we are pleased to grant you:

- full access to two documents (numbers 3 and 9), and
- partial access to the remaining 18 documents out of which
 - 12 documents are fully released except for personal data (i.e. names and job positions) which have been removed in application of the exception concerning the protection of privacy (Art. 4.1(b) of the Regulation). Consequently only the names of the industries and/or companies with whom the meeting took place are released, except for names of directors and chief executives; and
 - 6 documents are 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), Article 4.2 first indent (protection of commercial interests of a natural or legal person) and Article 4.3 (protection of the institution's decision making process).

A detailed assessment of the reasons why these documents are partially covered by the exceptions of Article 4 of the Regulation is included in Annex I. Please note that some parts of the reports concern matters other than TTIP and have therefore been removed as they fall outside the scope of your request.²

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 45/2001³ 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 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 some of this personal data. If you wish to receive this personal data, we invite you to provide us with arguments showing the need for having this

² Upon review of the report, it became apparent that the conference of 1.06.2015 (n. 150 on the list provided to you) falls entirely outside the scope of your request as TTIP was not discussed at this event. Therefore, for the sake of consistency, we have not included this document in the enclosed Annex I. If however you would like to have access to this document we invite you to introduce a specific request for access to it.

³ OJ L8 of 12.1.2001, p.1

⁴ Judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378.

personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

The exceptions laid down in Article 4.2 and 4.3 of the Regulation must be waived if there is an overriding public interest in disclosing the requested documents. The presence of an overriding public interest in disclosure has been assessed. In the present case, there is no such evidence. On the contrary, the prevailing interest in this case rather lies in protecting the purpose of the Commission's internal consultations as well as on-going institutional and political decision-making process at the heart of these consultations.

We hope this information meets your needs. Please note that you may reuse the fully released 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.

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-4
BERL 5/282
B-1049 Brussels

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

Yours sincerely,

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

Jean-Luc DEMARTY

Annex I: List of meeting reports, including justifications under Regulation 1049/2001