



EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

Brussels, 12 September 2014
Trade/dga2.e.1 (2014) 1554172

By email only:

Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2014/0891)

Dear [REDACTED],

Thank you for your request Gestdem 2014/0891 for access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents ("the Regulation").

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

A complete list of meetings held on the issue of the TTIP by European Commission (DG Trade) with external stakeholders, as well as full minutes and participants' lists of those meetings, from 1 July 2013 until 20 February 2014.

We have already sent you a list of meetings on 5 May 2014. With this letter we address the second part of your request concerning the minutes of the meetings. Please note that out of the 154 meetings held during the period concerned we have retrieved 83 meeting reports. You will find a list of these documents annexed to this reply (Annex I).

Having examined these documents under the provisions of the Regulation, out of 83 documents we are pleased to grant you:

- full access to 9 documents;
- partial access to 73 documents out of which
 - 38 documents are fully released except for the details (i.e. name and position) of our interlocutors which have been removed in application of the exception concerning the protection of privacy (Art. 4.1(b) of the Regulation).

¹ OJ L 145, 31.5.2001, p. 43.

Consequently only the name of the industries and/or companies with whom the meeting took place are released; and

- 35 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 institution's decision making process); and
- No access could be granted to 1 document. In accordance with Article 4.6 of the Regulation the possibility of granting partial access to this document has also been examined. However, it is considered that, as all parts of this document are covered by the invoked exceptions, no such access can be granted.

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 42/2001² becomes fully applicable³. 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 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.

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. Accordingly, the presence of an overriding public interest in disclosure has also 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 will meet your needs. I must, however, remind you that these documents cannot be reproduced or disseminated for commercial purposes unless the European Commission has first been consulted.

² OJ L8 of 12.1.2001, p.1

³ 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.

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 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-5
BERL 5/327
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 'Y' shape with a long horizontal stroke extending to the right.

Jean-Luc DEMARTY

Enclosures:

Annex 1 – List of documents and detailed assessment