Subject: Your application for access to documents – Ref. GestDem No 2016/6459

Dear Mr Yilmaz,

I refer to your application of 16 November 2016 in which you make a request for access to documents in accordance with Regulation (EC) No 1049/2001, registered on the same date under the above mentioned reference number. Please accept our apologies for the delay in handling your request. It is due to a large number of ongoing requests that we are dealing with.

You request access to "all the legal documents that are signed by the EU countries, the EU departments and the cooperations which contain the following information:"

- the structure of so called "the independent courts" of the Ceta Agreement.
- the institutions or the individuals who will be appointing the respective judges for "the independent courts"
- the court decisions/verdicts from the "independent court system" and their possible conflicts with both the national and international courts."

On 9 December 2016 we provided you with a link to publicly available documents of 28 October 2016 on the European Council website and asked you for clarification of any further specific documents you seek access to. You replied on 20 December 2016 with your original application.

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I regret to inform you that no documents corresponding to the description given in your application were identified. As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, DG TRADE is not in a position to share with you any documents under this request.


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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
1049 Bruxelles

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

Yours sincerely,

Jean-Luc DEMARTY

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² The JII has legal force and a binding character in the sense of Article 31 of the Vienna Convention on the Law of Treaties and can be relied upon in future by anyone who needs to interpret the agreement. It has been adopted by the European Council in October 2016.