



EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

Brussels, 08 January 2014
Trade/dga2.e.1 (2013) 3271834

Mr Olivier Hoedeman

By email only:
ask+request-473-06cb5b10@asktheeu.org

Dear Mr Hoedeman,

Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2013/2132)

Thank you for your request Gestdem 2013/2132, registered on 19th of April 2013, 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 also like to have access to:

- 1) minutes and other reports of meeting of DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies, including lobby consultancies and law firms, and/or industry associations, in which the upcoming trade negotiations with the US were dealt with between 1st of January 2012 and 19 of April 2013);
- 2) all correspondence (including emails) between DG Trade officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies (including lobby consultancies and law firms) and/or industry associations, in which the upcoming trade negotiations with the US were dealt with between 1st of January 2012 and 19 of April 2013.

We have already sent you on 17 July 2013 part of what you asked for, namely: a list of meetings where EU-US trade negotiations have been discussed.

In addition on the 4th of October 2013, we have sent you a first batch of 85 documents that had been fully released. These documents related to the 2nd part of your request.

I am pleased to send you a second batch of 44 documents corresponding to the first part of your request in which you request minutes and other reports of meetings where the EU-US negotiations were dealt. You will find a list of these reports annexed to this reply (Annex I).

¹ OJ L 145, 31.5.2001, p. 43.

Out of the 44 documents we are pleased to grant you:

- Full access to 5 documents; and
- Partial access to 39 documents out of which:
 - 13 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). Consequently only the name of the industries and/or companies with whom the meeting took place are released; and
 - the remaining 26 documents are covered partially by Art. 4.1(b) and other exceptions foreseen in Article 4 of the Regulation, namely Article 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).

Please note that parts of some of these 44 documents have been removed for not being relevant to your request.

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

The exceptions laid down in Article 4.2 and 4.3 of the Regulation apply unless there is an overriding public interest in disclosure of the 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 EU's international relations, its decision making process and the commercial interests of the concerned industries and companies.

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.

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 Bruxelles

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

Yours sincerely,



Jean-Luc DEMARTY

Enclosures:

Annex 1 – List of meeting reports with industry
Annex 2 – Assessment