

ANNEX 2

Request for access to documents GESTDEM 2013/2132 2nd batch of documents

Details of exceptions applying to the documents identified¹

Document 3

The 2nd and 3rd bullet points from the report on the discussion with ESF on 31 May 2012 cannot be released as they concern the view of ESF on a particular aspect of the EU/US trade negotiations. Release of that information could have a negative impact on their member's position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 6

We cannot release parts of the report on the joint meeting DG TRADE and DG MOVE with the EU Air Services Industry on EU-US air transport issues

Two sentences in the second paragraph of the executive summary, 1 sentence of the third paragraph, three sentences in paragraph 5, and paragraphs 6 and 7 have been withheld as they concern the view of a given European industry on a particular aspect of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Twenty four words and three sentences of the third paragraph, four sentences in paragraph 4, one sentence in paragraph 8, one sentence and nineteen words in paragraph 9 have been withheld from the report as they contain the information related to the EU's negotiating position in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 8

One sentence and 4 words in the part 'With regard to the FTA' of the report of the meeting between DG TRADE and British Telecom on 11th January 2013 have been withheld. They contain information related to the EU's negotiating position in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

¹ Details of exceptions according to Art 4 paragraph 1 (b) are not covered by this annex.

Document 11

The last two sentences from the section “AEA on EU-US negotiations” in the report of the meeting between DG TRADE, AEA and Brussels Airlines on Passenger Rights on 22nd February 2013 have been withheld. These two sentences contain the view of European Air industry on a particular aspect of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 12

One sentence of the report of the meeting with the ESF Policy Committee on 25th February 2013 has been withheld. This sentence contains elements relating to the EU's negotiating position in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 13

Three sentences in the report of the meeting between Rupert Schlegelmilch and BCTT on Financial Services Regulation held in April 2013 have been withheld. These three sentences set out the view of a given European industry on a particular aspect of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 14

We cannot release parts of the meeting notes from the visit of Rupert Schlegelmilch to Washington DC in April 2013.

Seventeen words in paragraph 2, four sentences in paragraph 3, two sentences in paragraph 4, four sentences in paragraph 7 and two sentences in paragraph 9 have been withheld. These parts contain elements revealing the EU's negotiating position and strategy in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Two sentences in paragraph 6 have been withheld. These sentences contain EU's comment regarding political strategy in the US. Disclosure of this information could harm EU's international relations, since it could lead to misleading interpretation of EU's bilateral relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 15

We cannot release parts of the report of the meeting between Rupert Schlegelmilch and the EU Services Industry (DHL, Ericsson, BT, Nokia, Maersk and Allianz) held in April 2013.

One sentence in paragraph 1, four sentences in a paragraph 2 and three sentences in paragraph 4 have been withheld as these parts concern the view of a given European industry on particular aspects of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Two sentences in paragraph 2 have been withheld. These sentences contain information related to the EU's strategy in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 16

We have withheld two sentences in the 1st paragraph, four sentences in the 2nd paragraph and the three last paragraphs from the report of the meeting between Rupert Schlegelmilch and Lufthansa, Jet Blue and a small group of aviation experts held in April 2013. These parts contain the view of Air transport industry on a particular aspect of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 17

One sentence in the second bullet point and the fourth bullet point have been withheld. These parts contain the view of the US Chamber of Commerce on particular aspects of the EU/US trade negotiations. Release of that information could have a negative impact on the position of the industry (Article 4 paragraph 2 first indent of the Regulation). In addition, disclosure of this information could also harm EU's international relations with third country mentioned since it could lead to misleading interpretation of EU's bilateral relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 18

We have withheld one sentence from the report of the meeting with Nokia on 7 March 2013. This sentence contains information related to the EU's negotiating position in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 20

The last paragraph in the report of the meeting with representatives of the EU Defence industry on 12th of April 2013 has been withheld. This paragraph of this report contains information related to defence and military matters covered by the exceptions of the Regulation (Article 4 paragraph 1 (a) second indent of the Regulation). In addition, the release of this information could have a negative impact on the position of the EU's defence industry on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 21

Thirteen words under the section "Copyright and related rights", section 4, one sentence under the section "Enforcement" and section 7 have been withheld from the report of the meeting with industry representatives, DG MARKT, DG TAXUD and DG AGRI on 17th of April 2013. These parts of the report set out the view of the European industry on particular aspects of the EU/US trade negotiations. Release of that information could have a negative impact on their position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation). In addition, disclosure of this information could also harm EU's international relations with US since it could lead to misleading interpretation of EU's bilateral relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 22

We cannot release parts of the mission report of Rupert Schlegelmilch and Anders C. Jessen. These meetings took place during mission to US held between 24-25 May 2012.

One sentence in paragraph 2, and the 5th, 7th and 9th paragraphs have been withheld as they sets out the view of a given American industry on a particular issue of the EU/US negotiations. Release of that information could have a negative impact on their position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

One sentence in paragraph 4, paragraph 8 and paragraph 10 cannot be released as they contain information related to the EU's negotiating position in the EU/US trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Paragraph 6 cannot be released as it contains information related to the EU's GI's policy in the EU trade negotiations. Release of that information would have a negative impact on the EU's ability to conduct these and any future negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 23

We cannot release parts of the mission report of Anders C. Jessen. These meetings took place during mission to US held between 15th and 18th of April 2013.

Report a) Flash Report on meeting on IP and Procurement in Washington:

Only four sentences of the 2nd paragraph contain information relevant to the request. The last two sentences of the relevant part have been withheld as they contain an opinion for internal use as part of preliminary consultations within the institution. Disclosure would seriously undermine the institution's decision-making process (Article 4 paragraph 3 second indent of the Regulation).

Report b) Intellectual Property – Meetings of Anders Jessen in Washington:

The last sentence under “Point 4” has been withheld. This sentence contains an opinion for internal use. Disclosure of this strategic approach would have a negative impact on the EU’s ability to conduct negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

In the “Annex: Intellectual Property – Meetings of Anders Jessen”

Twenty-eight words and the remaining paragraphs of the summary of the meeting with the US Chamber of Commerce have been withheld. These parts contain the view of the US Chamber of Commerce on particular aspects of the EU/US trade negotiations. Disclosure of this information would undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Only paragraphs 1, 2 and 9-11 on the meeting with RIAA are relevant to the requests. Paragraph 10 has been withheld. It contains the information on the business strategy of RIAA and its members. Disclosure of this information would undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 25

The last two sentences of the report of the meeting with Freshfel representatives, on 30 of January 2012, have been withheld. They contain EU's comment on particular issue in the EU /US negotiations. Disclosure of these two sentences could harm EU's international relations with US since it could lead to misleading interpretation of EU's bilateral relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 26

We cannot release parts of the report of the meeting with Freshfel representatives, on 30th January 2012.

Three sentences in Part 1 have been withheld from the report. These sentences contain Freshfel’s views regarding market access issues in the US. Release of that information could have a negative impact on EU exporters and Freshfel member's position on the US and other markets. It

would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Eleven words in Part 2 have been withheld from the report. This part of the sentence is revealing information regarding the tactical approach towards the ongoing EU/US trade negotiations which could have an impact on EU's relations with the country and undermine its position when tackling the issue. Release of that information would have a negative impact on the EU's ability to conduct the negotiations and therefore undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 29

We cannot release parts of the report of SPS Market Access Working Group on 7th of November 2012.

Fifteen words and four sentences have been withheld in Part 1, as they relate to EU Member States expressing concerns and the substance of the concerns with regard to a market access problem in the US market. Release of that information would undermine a protection of international relations with the US (Article 4 paragraph 1 (a) third indent of the Regulation).

The two sentences in Part 2 have been withheld. Disclosure of these 2 sentences would seriously undermine the Commission's decision-making process, since it would reveal detailed information about sensitivities and possible market access expectations of a given EU industry, which are relevant for the Commission in assessing the progress of and final outcome of the negotiations and any decision it might take at the end of the negotiating process with US, as well as decisions that might be taken on specific issues or barriers identified in the part in question (Article 4 paragraph 3 first indent of the Regulation).

Document 32

Three sentences have been withheld from the flash report of the meeting between Commissioner Karel De Gucht and the Confederation of Swedish enterprises on 7 March 2012. The withheld part provides information regarding the EU's tactical position and strategy in relation to the High Level Working Group on Growth and Jobs (HLWG). Its disclosure could undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 33

Seven sentences have been withheld from the report of the meeting between Jean Luc Demarty and the European Automobile Manufacturer's Association (ACEA) on 12 March 2013. The 2nd, 3rd and the last three sentences of the paragraph on "US" contain information relating to ACEA's assessment of certain aspects of the discussions on regulatory issues with the US. The commercial interests of the Association members could be undermined by disclosure of this information (Article 4 paragraph 2 first indent of the Regulation).

Furthermore, the 4th and 5th sentences reveal elements of the EU negotiating position in the discussion on regulatory issues. Release of that information would undermine a protection of international relations with the US (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 34

Two sentences in paragraph 2 and the whole paragraph 3 have been withheld from the report of the meeting with the German Engineering Federation (VDMA) on 2nd of July 2012. These parts contain concerns and an assessment made by the Federation on various aspects related to regulatory compatibility. Placing this commercially sensitive information in the public domain could be damaging to the members of the Federation (Article 4 paragraph 2 first indent of the Regulation).

Document 36

We cannot release parts of the report of the meeting with Ford on 3rd of July 2012.

Twenty-nine words in the 1st paragraph have been withheld as they contain Ford's commercial position related to the EU/US negotiations. Release of this information would undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Paragraph 2 has been withheld as it contains Ford's assessment of the regulatory developments in various economies. Disclosure of this information could have a negative impact on Ford's position in those markets (Article 4 paragraph 2 first indent of the Regulation). In addition, disclosure of this paragraph could also lead to a misleading interpretation of the EU's bilateral relation with the third country mention and potentially undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Seven words in the 4th paragraph have been withheld as they contain comment on a situation in the US market. Disclosure of this comment could lead to a misleading interpretation of the EU's bilateral relation with the US and potentially undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Last three sentences of the last paragraph have been withheld as they contain Ford's assessment of certain aspects of the discussions on regulatory issues between the EU and the US. Disclosure of this information could have a negative impact on Ford's position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation). Disclosure of this information could also lead to a misleading interpretation of the EU's bilateral relation with the US and potentially undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 37

We cannot release parts from the report of the meeting with Euratex on 6th of July 2012

The last sentence of the 2nd bullet point, the 3rd bullet point, the 7th bullet point, the 8th bullet point and the 10th bullet point cannot be released. These parts contain Euratex's assessment of the industry situation in the framework of the EU-US HLWG. Disclosure of this information could have a negative impact on Euratex's or their member's position on the US market. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation). Disclosure of this information could also lead to a misleading interpretation of the EU's bilateral relation with the US and potentially undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

The last sentence of the 4th bullet point has been withheld as it contains Euratex's position in the framework of the EU/US negotiations. Disclosure of this information could have a negative impact on Euratex's or their member's position on the US market. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation). Disclosure of this information could also lead to a misleading interpretation of the EU's bilateral relation with the US and potentially undermine the protection of the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 38

Three paragraphs in the report of the meeting with Fertilizers Europe have been withheld as they contain an assessment of the industry's situation in the framework of the EU-US HLWG. Disclosure of this information could have a negative impact on the industry's position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 41

Two sentences and one word from the 3rd paragraph on the EU-US trade negotiations have been withheld from the report of the meeting between Jean Luc Demarty at the International Relations Committee of the Business Europe on 22nd of February 2013. This sentence contains EU's assessment of internal situation in the US. Its disclosure could lead to a misleading interpretation of EU's bilateral relations with the US and consequently undermine the EU's international relations (Article 4 paragraph 1 (a) third indent of the Regulation).

Document 42

The 3rd, 4th and 7th bullet points cannot be released from the report from the minutes of the meeting with Daimler. The withheld parts contain information relating to Daimler's assessment and strategy in certain aspects of the discussions on regulatory issues between the EU and the US. Disclosure of this information could have a negative impact on Daimler's position on the US and other markets. It would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).

Document 44

Five words in the 3rd paragraph have been withheld as they contain a position on a particular aspect concerning the wine industry. Disclosure of this information could have a negative impact on the industry and would therefore undermine the protection of commercial interests of a natural or legal person (Article 4 paragraph 2 first indent of the Regulation).