



EUROPEAN COMMISSION

Brussels, 26.3.2018  
C(2018) 1980 final

Ms Lora VERHEECKE  
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1050 Brussels

**DECISION OF THE SECRETARY-GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO  
ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) NO 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under  
Regulation (EC) No 1049/2001 - Gestdem 2017/7337**

Dear Ms Verheecke,

I am writing in reference to your email of 27 February 2018, registered on 28 February 2018, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter: 'Regulation 1049/2001').

Through your initial application of 7 December 2017, addressed to the Directorate-General for Trade, you requested access to *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 Japan-EU Agreement (JEFTA) was discussed (between January 2017 and today).*

In its initial reply of 27 February 2018, the Directorate-General for Trade informed you that it does not hold the document requested. Indeed, the information requested (the list of meetings) is not included in any of the existing documents in possession of the Directorate-General for Trade.

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<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L 145, 31.05.2001 p.43

In this context, the Directorate-General for Trade referred to Article 2(3) of Regulation 1049/2001, which stipulates that the right of access guaranteed by that Regulation applies only to existing documents.

The Directorate-General for Trade also explained that creating such a list in order to provide it to you under the provisions of the Code of Good Administrative Behaviour<sup>3</sup>, would entail, in this particular case, a disproportionate administrative burden.

Through your confirmatory application, you request a review of this position. In particular, you refer to the principles provided for in the Practical Guide to Staff Ethics and Conduct<sup>4</sup>, according to which a written record of meetings with interest group representatives should be ensured where these contain important information or may involve action by the European Commission. Such reports should be registered and filed.

You also allege that the European Commission provided a similar list in the past, in the context of an earlier application for access to documents that you submitted (registered under reference number GestDem 2017/311). Given that the latter request covered a significantly wider temporal scope (from January 2014 to January 2017) you take the view that compiling such a list in the present case (covering only one year) should not entail a disproportionate burden.

As a preliminary comment, please note that the European Commission makes publically available information regarding meetings of Commissioners, their Cabinets and Directors-General with external organisations and self-employed individuals, including those mentioned in your initial application. For ease of reference and completeness, please find the relevant links<sup>5</sup>.

With regard to the obligations included in the Practical Guide to Staff Ethics and Conduct, to which you refer in your confirmatory application, please note that the Guide indeed indicates that *reports of meetings* be registered and filed. Your application, however, does not relate to *meeting reports*, but only to *a list of meetings*, for which the above-mentioned Guide does not foresee a similar practice.

As regards the reference to your earlier application registered under reference number Gestdem 2017/311, submitted on 17 January 2017, I would like to recall that in that application you requested access to:

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<sup>3</sup> [https://ec.europa.eu/info/sites/info/files/code-of-good-administrative-behaviour\\_en.pdf](https://ec.europa.eu/info/sites/info/files/code-of-good-administrative-behaviour_en.pdf).

<sup>4</sup> <https://myintracomm.ec.europa.eu/staff/Documents/staff-conduct/practical-guide-to-staff-ethics-and-conduct.pdf>.

<sup>5</sup> <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=fd6c08d-54d1-4524-aa70-1287c34ceb4d>, <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=61aa8586-2b0d-4394-b196-30c13f1fa663> and <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=5f4689e0-014c-4bec-8125-f9e6d3592c86>.

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 Japan-EU Free Trade Agreement (JEFTA) was discussed (between January 2014 and today);*
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 regarding the Japan-EU Free Trade Agreement (JEFTA) (between January 2014 and today).*

In the ensuing email exchanges, the Directorate-General for Trade explained that as regards the first point of your application (*a list of meetings*), it had not been able to identify any existing document within the meaning of Article 2(3) of Regulation 1049/2001. You did not contest the above-mentioned position. As regards points 2 and 3 of your request, the Directorate-General for Trade sent you, in reply to your application, a list of 33 identified *documents*, but not a list of *meetings*.

In light of the above, there was no difference in the handling of both applications in so far as the non-identification of *a list of meetings* was concerned.

Nonetheless, the European Commission has, as part of its confirmatory review, carried out a renewed, thorough search for the documents requested. Following this renewed search, I confirm that the European Commission has not identified any documents held by it that would fall under the scope of your request for access to documents.

Given that no such documents have been identified, the European Commission is consequently not in a position to handle your request.

Finally, I would like to draw your attention to the means of redress that are available against this decision. You may either bring proceedings before the General Court or file a complaint with the Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



*For the Commission  
Martin SELMAYR  
Secretary-General*