



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

The Director-General

Brussels,  
Trade/JD trade(2019)2408566

***By registered letter with  
acknowledgment of receipt***

Mr Clive Bates  
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***Advance copy by email:***  
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**Subject: Your application for access to documents – Ref GestDem No 2019/1542**

Dear Mr Bates,

I refer to your e-mail dated 14 March 2019 in which you make a request for access to documents under Regulation (EC) No 1049/2001, registered on 14 March 2019 under the reference number GestDem No 2019/1542.

In your application, you requested access to the following documents:

*1. Confirmation the David Bannerman MEP met with the "trade commissioner and senior EU trade representatives" on or around 13 March 2019 as he claimed in a tweet of the same date.*

<https://twitter.com/DCBMEP/status/1105876284847124481>

*Full text of Mr Bannerman's tweet:*

*"Utter nonsense. Barnier has ruled out a transition not GATT Article 24. I was in private meetings (so can not divulge) with trade commissioner and senior EU trade representatives today. Ball is still very much in play."*

*2. Any relevant documents about the meeting with Mr Bannerman - including correspondence with Mr Bannerman's office, meeting agenda, any minutes and any briefing provided to Commission officials present.*

*3. Any legal or policy advice DG Trade has related to the applicability and relevance of the transitional provisions allowed under Article XXIV GATT in the event of the United Kingdom leaving the European Union without a Withdrawal Agreement ("no deal").*

With regard to points 1 and 2 please be informed as follows. After careful checking with Members of Commissioner Malmström's Cabinet, we have been informed that no private meeting of Mr Bannerman with the Commissioner took place. Therefore, there is no agenda or other document related to such private meeting Mr Bannermann is referring to in his tweet. Consequently, the Commission does not hold any documents as described in your request.

The only meeting that week in which Commissioner Malmström and Mr Bannerman were present together was not a private meeting but an in camera session organised by the European Parliament's Steering Group of the Parliamentary Conference on the WTO on different subjects.

In reply to point 3, we inform you that no advice has been provided by DG Trade on transitional provisions allowed under Article XXIV GATT in case of a no-deal Brexit. DG Trade does not hold any documents as described in your request.

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, corresponding to the description given in your application, are held by the Commission, your above-mentioned application under Regulation 1049/2001 does not yield any result.

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 Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)



Jean-Luc DEMARTY