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|  | Brussels, 23 April 2020 |
| Ms Laura GroßeEmail: ask+request-7637-1b73cc6b@asktheeu.org |
| Ref. 20/0267-aa/nsRequest made on: 04.02.2020Registered on: 05.02.2020 |
| Dear Ms Große, |

Following our e-mail messages of 14 April and 18 March 2020, and our letter of 26 February 2020, the General Secretariat of the Council has concluded the examination of your request.[[1]](#footnote-1)

This examination has allowed us to identify a set of 6 working documents (WKs), among which 4 documents are relevant to the scope of your request: **WK 11147/2018**, **13733/2018**, **9605/2019** and **11528/2019**.

However, we regret to inform you that access to the said documents cannot be given for the reasons set out below.

The abovementioned 4 documents contain strategic and tactic aspects relevant to ongoing negotiations and technical consultations between the EU and the USA leading to mutual trade exchanges and market access requirements of plants and plant products, notably plant health regulatory elements. In particular, they contain commercial-related information concerning some EU Member States that are interested in exporting those products to the USA market.

Release of the information contained in this document would have a negative impact on the trade relations between the European Union and the USA, as it would disclose negotiation strategies used, notably, by the EU and its Member States.

Taking into account that these specific EU-USA bilateral consultations are hold on a regular basis, release of the information contained in the documents would weaken the position of the European Union and its Member States in the framework of similar forthcoming international negotiations.

Disclosure of the documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse full access to the documents.[[2]](#footnote-2)

In addition, having examined the context in which the documents were drafted and the current state of play on this matter, on balance, the General Secretariat could not identify any evidence suggesting an overriding public interest in the disclosure of the documents in question.

We have also looked into the possibility of releasing parts of these documents.[[3]](#footnote-3) However, as the exception to the right of access applies to their entire content, the General Secretariat of the Council is unable to accede to your request.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.[[4]](#footnote-4)

Yours sincerely,

Fernando FLORINDO

1. The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35). [↑](#footnote-ref-1)
2. Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001. [↑](#footnote-ref-2)
3. Article 7(2) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-3)
4. Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EU) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent. [↑](#footnote-ref-4)