



EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

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Ms Vicky Cann
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Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2014/5013)

Dear Ms Cann,

Thank you for your request Gestdem 2014/5013 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 like to have access to:

all documents (meeting agendas and minutes; emails and correspondence; consultation responses; and any others) which involve European Services Forum and the Transatlantic Trade and Investment Partnership – TTIP.

We have examined your request under the provisions of Regulation 1049/2001 and we have identified 18 documents falling under the scope of your request. You can find the list of documents in Annex I. Please note that in application of the code of good administrative behavior we have listed in Annex I one meeting with European Services Forum for which no report has been drafted.

Out of the 18 documents identified we are pleased to grant you:

- full access to 8 documents;
- partial access to 10 documents out of which

¹ OJ L 145, 31.5.2001, p. 43.

- 6 documents are fully released except for the details (i.e. name and position) 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
- 4 documents are covered partially by Article 4.1(b) and/or other exceptions foreseen in Article 4 of the Regulation, namely Art. 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).

A detailed assessment of the reasons why we understand that these documents are partially covered by the exceptions of Article 4 of the Regulation is annexed to our reply (Annex I). Please note that parts of the reports have been removed for not being relevant to your request.

Concerning the application of Article 4.1(b) on the protection of privacy and the integrity of the individual, please note that when access is requested to documents concerning personal data, Regulation (EC) No 45/2001² becomes fully applicable³. According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from some of this personal data. If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

The exceptions laid down in Article 4.2 and 4.3 of the Regulation must be waived if there is an overriding public interest in disclosing the requested documents. The presence of an overriding public interest in disclosure has 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 purpose of the Commission's internal consultations as well as on-going institutional and political decision-making process at the heart of these consultations.

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

² OJ L8 of 12.1.2001, p.1

³ Judgement of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported.

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 Brussels

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

Yours sincerely,



Jean-Luc DEMARTY