



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE (2012)

Mr Christian Wohlert

ask+request-203-9a54e2c6@asktheeu.org

Subject: Your request for access to documents regarding the following documents:

1. the new Protocol to the EU-Mauritania Fisheries Partnership Agreement.
2. any documents that were produced in preparation of the decision of the Commission to sign the new protocol, including notes, minutes of meetings, etc.

Dear Mr Wohlert,

Thank you for your e-mail of 8 August 2012 requesting access to documents in accordance with Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents.

I wish to inform you that the requested documents fall under the set of exceptions in the above Regulation, and therefore we are not in position to provide them to you.

1. The initialled text of the new Protocol, for which the adoption procedure in the Council has not been terminated yet, falls under the exception of Article 4(3) of Regulation (EC) N° 1049/2001 which states that access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

2. The European Commission takes this position taking into account the expected damage the disclosure of such documents would cause: an injury to private interests of the fleets as the requested documents contain sensitive information about the commercial activities of the ship owners.

This exception is foreseen in Article 4(2) first indent, of Regulation (EC) N° 1049/2001 which states that the institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property.

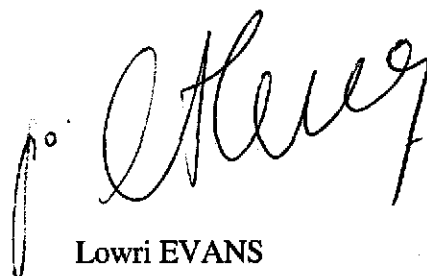
If you wish to appeal against the decision to refuse access to the documents mentioned, you should write to the Commission's Secretary-General at the address below, repeating your initial request. You have fifteen working days from receipt of this letter in which to appeal. Beyond this deadline, your initial request will be considered withdrawn.

The Secretary-General will inform you of the outcome of this re-examination of your request within fifteen working days of receipt of your request, either by granting you access to the documents or by confirming the refusal. In the latter case, the Secretary General will also inform you of any further appeal routes you may take.

All correspondence must be sent to:

The Secretary-General
European Commission
B-1049 BRUSSELS

Yours sincerely,



Lowri EVANS