



EUROPEAN COMMISSION  
Directorate-General for Trade

The Director General

Brussels, 05/07/2016  
Trade/dga2.e.1 (2016) 3020026

Ms Pia Eberhardt  
Corporate Europe Observatory (CEO)  
Cranachstraße 48  
D-50733 Cologne

*By registered letter with acknowledgment  
of receipt*

*By email:* [ask+request-2287-  
c5927402@asktheeu.org](mailto:ask+request-2287-c5927402@asktheeu.org)

**Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2015/5085)**

Dear Ms Eberhardt,

Thank you for your request 2016/0722 for access to documents under Regulation No 1049/2001<sup>1</sup> 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:

*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 Transatlantic Trade and Investment Partnership TTIP was discussed (between 12 December 2014 and 19 September 2015);*

*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*

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<sup>1</sup> OJ L 145, 31.5.2001, p. 43.

*firms, public consultancies as well as think tanks regarding the Transatlantic Trade and Investment Partnership TTIP (between 12 December 2014 and 19 September 2015).*

On 11 February 2016 we have sent you the list of meetings that you have requested in point 1 of your request. This list was provided not under Regulation 1049/2001, but under the Code of Good Administrative Conduct.

With this letter we address point 2 of your request concerning the minutes of 9 meetings that you have identified as a priority in your message of 22 April 2016. Please note that out of the 9 meetings we have identified 8 meeting reports. You will find a full list of these documents in Annex I.

Out of the 8 reports we are pleased to grant you:

- partial access to all 8 documents out of which
  - 7 documents are fully released except for the data (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
  - 1 document is covered partially by Article 4.2 first indent (protection of commercial interests of a natural or legal person). A detailed assessment of the reasons why we understand that this document is partially covered by the exception of Article 4.2 first indent of the Regulation is included in Annex I.

Please note that some parts of the reports have been removed as they fall out of the scope of 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 45/2001<sup>2</sup> becomes fully applicable<sup>3</sup>.

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 this personal data, we invite you to provide us with arguments showing the need for having this personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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<sup>2</sup> OJ L8 of 12.1.2001, p.1

<sup>3</sup> Judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378.

The exception laid down in Article 4.2 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 commercial interest of the industry.

We hope this information meets your needs. Please note that you may reuse the fully released documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

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 Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Brussels

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

Yours sincerely,



Jean-Luc DEMARTY

Annex I – List of meeting reports, including justification under Regulation 1049/2001