



EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

Brussels, 13 October 2015
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Ms Pia Eberhardt
Corporate Europe Observatory (CEO)
Cranachstraße 48
50733 Cologne
Germany

E-mail: ask+request-1643-787ee0e1@asktheeu.org

Subject: Document request pursuant to Regulation (EC) No 1049/2001 (GESTDEM 2014/6023)

Dear Ms Eberhardt,

Thank you for your request 2014/6023 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:

- 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 21 February 2014 and 12 December 2014);*
- 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 firms, public consultancies as well as think*

¹ OJ L 145, 31.5.2001, p. 43.

tanks regarding the Transatlantic Trade and Investment Partnership TTIP (between 21 February 2014 and 12 December 2014); this should not include responses to the Commission's consultation on ISDS in TTIP, which I understand will be published anyways.

On 17 July 2014 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 and other reports of the meetings. Please note that out of the 183 meetings² held during the period concerned we have retrieved 123 meeting reports. You will find a full list of these documents in Annex I.

Out of the 123 documents identified we are pleased to grant you:

- full access to 10 documents (numbers 8, 43, 51, 61, 68, 80, 94, 115, 147 and 165);
- partial access to 113 documents out of which:
 - 82 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
 - 31 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 included in Annex I. Please note that some 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 45/2001³ becomes fully applicable⁴.

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

² As compared to the list of meetings sent to you on 17 July 2014 please note that
-meetings 2a, 14a, 39a, 63a and 143a have been added to the list.
-meeting 28, 66, 119 and 178 have been deleted.

³ OJ L8 of 12.1.2001, p.1

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.

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 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.

To conclude and as a note of clarification I would like to add that the Commission's doors are always open (to companies, associations, trade unions, NGOs, civil society, academics, etc.), in addition to Member state officials or MEPs, to those who wish to share input, priorities or concerns regarding the negotiations for the Transatlantic Trade & Investment Partnership (TTIP). As a matter of policy we do not distinguish between persons seeking meetings based on who they represent. We try to meet all requests for meetings regardless of their origin. Any divergence in the overall number of meetings with our various stakeholders is therefore simply a reflection of the level of activity and interest each group has shown in TTIP.

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 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.

⁴ 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.

All correspondence should be sent to the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Brussels

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

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' and 'L' followed by a long horizontal stroke.

Jean-Luc DEMARTY

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