



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
TAXATION AND CUSTOMS UNION

The Director-general

Brussels, 5 03. 2015  
Taxud R2/SV – ARES(2015)818772

Mr Jerzy Jurczynski  
Public Affairs eSmokingWORLD  
Pl. Andersa 5  
PL - Poznań 61-894

ask+request-1770-7ae2a189@asktheeu.org>

by e-mail and registered mail

Dear Mr Jurczynski,

**Subject: Your application for access to documents – Ref GestDem No 2015/1009**

I acknowledge receipt of your e-mail dated 19 February 2015 in which you make a request for access to documents as follows:

*"... documents which contain the following information on Fiscalis project meeting of 18<sup>th</sup> February 2015:*

- 1) The presentation "Information on the first recommendation to look into, E-cigarettes – Presentation by the Commission" (agenda item 4)*
- 2) Transcripts of "Discussions in groups" (agenda item 5)*
- 3) Transcripts of "Reporting back of findings of groups" (agenda item 6)*
- 4) Transcripts of "Summarise and next steps" (agenda item 47)".*

Regarding item 1) of your request, we identified the following document: *"Powerpoint presentation on "Electronic cigarettes & other nicotine containing products".*

Having examined the document requested under item 1) under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to provide partial access to the document. This access is provided in accordance with Article 4 (3), first paragraph of Regulation 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".*

The analysis of the possibility to include e-cigarettes in the scope of excise duty on tobacco products is currently taking place with the consultation of various stakeholders and a debate based on preliminary, personal views of non-senior officials of the Commission. Release of these preliminary,

personal views would lead to premature conclusions regarding the Commission's formal position on the issue at stake although it has not been finalised.

Therefore, access to some parts of the documents has to be refused as such access would seriously undermine the protection of the Commission's decision-making process protected by Article 4(3), second paragraph of Regulation 1049/2001.

Please note that there is no overriding public interest in disclosure of the documents which would outweigh the need to protect the decision-making process of the Commission.

I would also like to stress that, in accordance with the exception of Article 4(1)(b) of Regulation (EC) No 1049/2001 on the protection of the privacy and integrity of the individual, personal data of non-senior Commission staff have been removed.

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Following a detailed search and on the basis of the description provided in your request under items 2) tot 4), we can inform you that no such document exists.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

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-5  
BERL 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Heinz Zourek

Annex : as stated above