



EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

13 MAI 2015

Brussels,
Trade.A3/ (2015) 1667409
Ms Lora Verheecke
CEO
Rue d'Edimbourg 26
1050, Brussels, Belgium

Dear Ms Verheecke,

Subject: Your application for access to documents – Ref GestDem No 2015/1808, 1831 and 1839

We refer to your requests for access to documents, registered under the above mentioned reference numbers.

We understand that you would like to have access to:

**all communication, including emails, and documents (agenda, minutes, list of participants, etc) related to the meeting between Ms Cécile Billaux and Asociación Nacional de Productores de Vacuno de carne on 11 March 2015 (ref.Gestdem 2015/1808);*

**all communication, including emails, and documents (agenda, minutes, list of participants, etc) related to the meeting between the Commissioner Malmström and PRIME PR agency on 13 March 2015 (ref.Gestdem 2015/1831);*

**all communication, including emails, and documents (agenda, minutes, list of participants, etc) related to the meeting between Christian Burgsmueller and Mouvement des Entreprises de France on 24 March 2015(ref.Gestdem 2015/1839).*

1. EXAMINATION AND CONCLUSIONS UNDER REGULATION 1049/2001

We identified 7 documents falling under the scope of your requests, to which we are pleased to grant you partial access.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged and 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.

1.1 Context of the documents

In the context of trade negotiations or their preparation, the Commission is meeting with a wide range of stakeholders in order to better understand their interests and concerns in their respective country markets and to enable the Commission to formulate a position reflecting the interest of the EU as a whole.

Parts of the requested documents have been withheld on the basis of the following assessment:

1.2 Protection of the privacy and the integrity of the individual

Pursuant to Article 4.1(b) of Regulation 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of the privacy and integrity of the individual, in particular in accordance with the EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents concerning personal data, Regulation (EC) No 45/2001 becomes fully applicable². 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 requested documents expunged of personal data which are not already public. We do, however, disclose the names of the members of Cabinets of European Commissioners, as well as the names of the senior managers and chief officers of the private companies.

If you wish to receive the removed 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.

1.3 EU decision-making process

Article 4(3) of Regulation 1049/2001 provides 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.

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken, if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

We consider that 28 words of document 1 of request 1808 cannot be released as its disclosure would have an impact on the possible future actions to be taken by the EU,

¹ OJ L 8 of 12.1.2001, p. 1

² Judgement of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd.

consequently undermining the protection of the decision-making process of the institution. The withdrawn sentence contains an opinion for internal use as part of a decision within the institution's sphere of competence.

2. OVERRIDING PUBLIC INTEREST

The exceptions laid down in Articles 4.2 and 4.3 of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. Accordingly, we have also considered whether the risks attached to the release of the withheld documents or withheld parts of these documents are outweighed by the public interest in accessing the requested documents. We do not believe this to be the case.

Should you wish this position to be reviewed, you should write to the Commission's Secretary-General at the address below, confirming your initial request. Following receipt of this letter you have fifteen working days to do so, 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 request, either granting you access to the document or confirming the refusal.

All correspondence should be sent to the following address:

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