

## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Director-General

**31 MARS 2016**

Brussels,  
GROW/D1/KB/nt  
Ares grow.ddg1.d1(2016)1302688

Ms Rachel Tansey  
on behalf of Corporate Europe  
Observatory (CEO)  
26, rue d'Edimbourg  
BE – 1050 Brussels

***Advance copy by email:***  
***ask+request-2589-***  
***1f55eb4c@asktheeu.org***

***By registered letter with acknowledgment of receipt***

**Subject: Your application for access to documents – Ref GestDem No 2016/0792**

Dear Ms Tansey,

We refer to your e-mail dated 12/02/2016 in which you make a request for access to documents, registered on 15/02/2016 under the above mentioned reference number.

Your application concerns the following documents:

*"All correspondence (including emails), as well as notes, minutes or any other reports of meetings, relating to the Transatlantic Trade and Investment Partnership (TTIP), between DG GROW officials and representatives of CEFIC (European Chemical Industry Council) and/or the ACC (American Chemistry Council), including any consultancy or consultant acting on either organisation's behalf, since 1 September 2014".*

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that they may be partially disclosed. Please find the documents attached to this letter.

According to Article 4.2, first indent of Regulation 1049/2001 access cannot be granted to documents where disclosure could undermine the protection of commercial interests of a legal person.

According to Article 4.1(a) third indent, disclosure of information containing elements of relevance to the EU's negotiation strategy would harm EU's international relations since public access to such information would negatively affect the negotiating position of the EU in the EU-US trade negotiations.

The parts of the documents which contain personal data, in particular: names, functions and contact details of Commission staff and stakeholders' representatives, cannot be disclosed. This is pursuant to Article 4.1(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union 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 data<sup>1</sup>. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

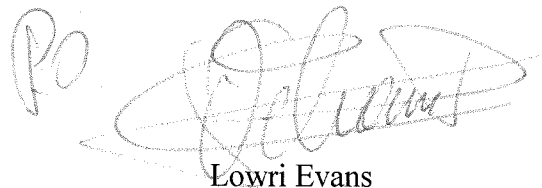
According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or 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 with these personal data expunged.

According to Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the documents concerned, which has to outweigh the interest protected by the exception to the right of access. In the present case, the services of the Commission have reached the conclusion that there appears to be no overriding public interest in their disclosure in the sense of the Regulation.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lowri Evans', is written over a faint, circular official stamp. To the left of the signature, the letters 'PO' are handwritten.

Lowri Evans

Encl.: Document Register, list of meetings and annexes

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.