EUROPEAN COMMISSION
Directorate-General for Trade

The Director General

Brussels, 12 April 2017
F.2/LM/mn (2017) 1099352

By registered letter with acknowledgment of receipt:

Mr Fabian Flues
Friends of the Earth Europe
Rue d'Edimbourg 26
1050 Brussels
Belgium

Advance copy by email:
xxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxx

Subject: Your application for access to documents – Ref GestDem No 2016/6790

Dear Mr Flues,

I refer to your e-mail of 30 November 2016 in which you make a request for access to documents under Regulation (EC) No 1049/2001[1] ("Regulation 1049/2001") registered on 1 December 2016 under the above mentioned reference number.

Please accept our apologies for the delay in providing you with this reply, which is mainly due to a high number of simultaneous and complex requests for access to documents being dealt with by DG TRADE.

1. SCOPE OF YOUR REQUEST

You requested access to the following documents dated between 1 December 2014 and 30 November 2016 (i.e., date of your request):

"Any documents relating to the Multilateral Investment Court for investment dispute resolution, including:

[1] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

– *Minutes and agendas of meetings of DG Trade officials (including the Commissioner and her cabinet), both within the Commission and with external stakeholders;*

– *Correspondence (such as e-mails, letters, faxes) of DG Trade officials (including the Commissioner and her cabinet) both within the Commission and with external stakeholders;*

– *Briefing papers, legal assessments or any other documents that pertain to the envisaged Multilateral Investment Court and are not already publicly available."*

Further to your request, we have identified 14 documents which fall under the scope of your request.[2] A list of these documents is enclosed in Annex I. Please note that document 12 comprises of a report and nine annexes. For each of the documents the list provides a description, and indicates whether parts are withheld and if so under which ground pursuant to Regulation 1049/2001.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

In accordance with settled case law,[3] when an institution is asked to disclose a document, it must assess, in each individual case, whether that document falls within the exceptions to the right of public access to documents set out in Article 4 of Regulation 1049/2001. Such assessment is carried out in a multi-step approach: first, the institution must satisfy itself that the document relates to one of the exceptions, and if so, decide which parts of it are covered by that exception; second, it must examine whether disclosure of the parts of the document in question pose a "*reasonably foreseeable and not purely hypothetical*" risk of undermining the protection of the interest covered by the exception; third, if it takes the view that disclosure would undermine the protection of any of the interests defined under Articles 4.2 and 4.3 of Regulation 1049/2001, the institution is required *"to ascertain whether there is any overriding public interest justifying disclosure"*.[4]

In view of the objectives pursued by Regulation 1049/2001, notably to give the public the widest possible right of access to documents,[5] *"the exceptions to that right […] must be interpreted and applied strictly"*.[6]

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[2] To compensate for the delay in answering to your request we have exceptionally included documents that concern the subject matter of your request but whose date is later than 30 November 2016.

[3] Judgment in *Sweden and Maurizio Turco v Council*, Joined cases C-39/05 P and C-52/05 P, EU:C:2008:374, paragraph 35.

[4] *Id.*, paragraphs 37-43. See also judgment in *Council v Sophie in 't Veld*, C-350/12 P, EU:C:2014:2039, paragraphs 52 and 64.

[5] See Regulation (EC) No 1049/2001, recital (4).

[6] Judgment in *Sweden v Commission*, C-64/05 P, EU:C:2007:802, paragraph 66.

Having carefully examined the documents identified above in light of the applicable legal framework, I am pleased to inform you that two annexes to document 1, two annexes to document 12 and one annex to document 14 are **publicly available** and links are provided in the list of documents. In addition, two annexes to document 12 can be **fully disclosed** and are enclosed to this letter. A **partial release** can be granted to documents 4, 5, 7, 8, 9, 10, 12f, 12h, 12i, 13 and 14. Copies of these documents are enclosed.

As regards documents 5, 12f, 12h, 12i and 13, only names and other personal data have been removed, pursuant to Article 4.1(b) of Regulation 1049/2001 and in accordance with Regulation (EC) No 45/2001 ("Regulation 45/2001").[7] Hence, the main content of these documents is accessible.

In documents 4, 7, 8, 9, 10 and 14, in addition to personal data, other information was redacted pursuant to Article 4.1(a) third indent of Regulation 1049/2001 (protection of the public interest as regards international relations).

In document 4, further information was redacted pursuant to Article 4.3 first paragraph of Regulation 1049/2001 (protection of an ongoing decision-making process).

I regret to inform you that **documents 2, 3, 6, 11, 12 (including annexes 12a and 12b) and the reports contained in documents 1 and 14 cannot be disclosed** as they are covered by the exceptions set out in Articles 4.1(a) third indent (documents 1, 2, 3, 12 and 14), 4.1(b) (documents 1 - 14), and Article 4.3 first paragraph (documents 2, 3, 4, 6 and 11) of Regulation 1049/2001.

The reasons justifying the application of the exceptions are set out below in Sections 2.1, 2.2 and 2.3. Section 3 contains an assessment of whether there exists an overriding public interest in the disclosure.

2.1. Protection of international relations (documents 1, 2, 3, 4, 7, 8, 9, 10, 12, 12a and 12b and 14)

Article 4.1(a) third indent, of Regulation 1049/2001 provides that "*[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: the public interest as regards: […] international relations.*"

According to settled case-law, *"the particularly sensitive and essential nature of the interests protected by Article 4(1)(a) of Regulation No 1049/2001, combined with the fact that access must be refused by the institution, under that provision, if disclosure of a document to the public would undermine those interests, confers on the decision which must thus be adopted by the institution a complex and delicate nature which calls for the exercise of particular*

[7] Regulation (EC) No 45/2001 of the European Parliament and the 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, OJ L 8, 12.1.2001, p. 1.

care. Such a decision therefore requires a margin of appreciation".[8] In this context, the Court of Justice has acknowledged that the institutions enjoy *"a wide discretion for the purpose of determining whether the disclosure of documents relating to the fields covered by [the] exceptions [under Article 4.1(a)] could undermine the public interest"*.[9]

In addition, the General Court found that *"it is possible that the disclosure of European Union positions in international negotiations could damage the protection of the public interest as regards international relations. First, it is possible that the disclosure of the European Union's positions in the negotiations could reveal, indirectly, those of other parties to the negotiations. This may be the case, in particular, when the European Union's position is expressed when referring to that of another negotiating party, or when an examination of the position of the European Union or of its evolution during the negotiations allows the position of one or more other negotiating parties to be inferred, more or less accurately. Secondly, it should be noted that, in the context of international negotiations, the positions taken by the European Union are, by definition, subject to change depending on the course of those negotiations, and on concessions and compromises made in that context by the various stakeholders. As has already been noted, the formulation of negotiating positions may involve a number of tactical considerations of the negotiators, including the European Union itself. In that context, it is possible that the disclosure by the European Union, to the public, of its own negotiating positions, even though the negotiating positions of the other parties remain secret, could, in practice, have a negative effect on the negotiating position of the European Union"*.[10]

Furthermore, the Court stated that*"[…] the negotiation of international agreements can justify, in order to ensure the effectiveness of the negotiation, a certain level of discretion to allow mutual trust between negotiators and the development of a free and effective discussion"* and that *"any form of negotiation necessarily entails a number of tactical considerations of the negotiators, and the necessary cooperation between the parties depends to a large extent on the existence of a climate of mutual trust"*.[11] The Court concluded that *"in the context of international negotiations, unilateral disclosure by one negotiating party of the negotiating position of one or more other parties […] may be likely to seriously undermine, for the negotiating party whose position is made public and, moreover, for the other negotiating parties who are witnesses to that disclosure, the mutual trust essential to the effectiveness of those negotiations"*.[12]

Documents 2, 3, 4, 8, 10 contain either internal Commission notes on the issue of the Multilateral Investment Court (documents 2 and 3), or internal reports of meetings with the

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[8] Judgment in *Sison v Council*, C-266/05 P, EU:C:2007:75, paragraph 36.

[9] Judgment in *Council v Sophie in't Veld*, C-350/12 P, EU:C:2014:2039, paragraph 63.

[10] Judgment in *Sophie in't Veld v Commission*, T-301/10, EU:T:2013:135, paragraphs 123-125.

[11] *Id*, paragraph 119.

[12] *Id*, paragraph 126.

European Parliament (document 8), the Member States and the Council (documents 4 and 10). These documents record internal views, opinions, assessments and debates with regard to specific aspects of the topic of investment protection and the idea of establishing a Multilateral Investment Court. They also contain internal analyses regarding options and approaches that the EU could adopt in the context of the multilateral negotiations linked to these topics, and reveal ideas, assessments and proposals on the manner in which the Commission may conduct such negotiations. Documents 4, 8 and 10, in particular, record also the positions and reactions of Member States, the Council services and certain members of the European Parliament regarding the initiative of a Multilateral Investment Court, including substantive discussions and exchanges of views with the Commission on this topic.

Document 9 is the report of a meeting with BusinessEurope on the subject of the Multilateral Investment Court project. It contains the views, positions, concerns and priorities of stakeholders regarding the topics of investment protection and investment rules in future FTAs, and the reaction of the Commission to the specific issues discussed during the meeting.

While the objective to establish a Multilateral Investment Court is embedded in the Commission's Trade for All Communication and mentioned in the EU-Canada Comprehensive Economic Trade Agreement (CETA) and the EU-Vietnam Free Trade Agreement, the discussion with trading partners on the setting up of such court are currently in a preliminary exploratory phase and no formal negotiations have started yet. The Commission is also currently seeking input from a wide range of stakeholders, including in the context of a public consultation,[13] and engaging in talks and exchange of views with trading partners on this project both in bilateral and multilateral settings. The position of the EU in this context has not yet been entirely established and is still the subject of internal discussion with other institutional actors. Its definition will depend on a wide range of factors, including the position of Member States and of other institutional partners, as well as the input of external stakeholders, and it may evolve in function of how the discussions with other trading partners progress.

In such specific circumstances, fully releasing internal documents which set out the preliminary thinking of the Commission, of the Member States and external stakeholders on a matter on which formal negotiations have not yet started, would weaken the position of the EU, its strategic interests and its negotiating capacity in the future. In particular, if disclosed this information would reduce the margin of manoeuvre of the EU and be exploited by our trading partners to support certain positions or extract specific concessions in this and other ongoing and future negotiations, thereby undermining the EU strategic interests and the interest of its citizens. Indeed, the success of the future negotiations depends to a large extent on the protection of objectives, tactics and fall-back positions of the parties involved, and on the possibility for the EU to retain the necessary space to shape and adjust its tactics, options, concessions and proposals in function of how the discussions evolve.

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[13] See at http://trade.ec.europa.eu/doclib/press/index.cfm?id=1610.

On this basis, parts of documents 4, 8, 9 and 10, and the whole of documents 2 and 3 are withheld as their disclosure at the current stage of the multilateral discussions concerning the Multilateral Investment Court would weaken the future position of the EU, and thus undermine in a reasonably foreseeable manner the protection of the public interest as regards international relations.[14]

Documents 1, 4, 7, 8, 12 and 14 also record the positions of third countries regarding the idea of establishing a Multilateral Investment Court. In particular, while documents 4 and 8 contain references to third countries' positions, documents 1, 7, 12 and 14 contain reports of meetings with third countries and detailed information on the discussions held between the parties, their positions, interests and preliminary common understandings. Some parts of these documents contain also internal commentaries, impressions and perceptions of the Commission staff members who participated at the meetings, of the third countries' positions.

These meetings and discussions took place in a setting characterised by mutual cooperation, discretion and reciprocal trust, and feature open and frank exchange of views between the participants. The public disclosure of certain parts of documents 1, 4, 7, 8 and 14 and the whole of document 12, is likely to upset the atmosphere of mutual trust so far established between the trading partners and restrict their freedom of exchange of views, thus undermining the chances of reaching successful results. Preserving a certain level of discretion and special care in handling documents that reflect the positions of negotiating partners is essential in order not to jeopardise the progress of the ongoing discussions. Negotiating partners need to be able to confide in each other's discretion and to trust that they can engage in open and frank exchanges of views without having to fear that these views and positions may in the future be exposed. As the Court recognised in Case T-301/10 *in't Veld v Commission, "[…] establishing and protecting a sphere of mutual trust in the context of international relations is a very delicate exercise."*[15] Therefore, parts of documents 1, 4, 7, 8, 14 and the whole of documents 12, 12a and 12b are withheld as their full disclosure is likely to upset the mutual trust that informs the current discussions and the cooperation and working relationship between the EU and other trading partners.

2.2. Protection of privacy and integrity of the individual (documents 1 to 14)

Article 4.1(b) of Regulation 1049/2001 provides that *"[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: […] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data."*

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[14] Where possible, in order to ensure the highest level of transparency while at the same time safeguarding the interests protected under the exceptions of Art. 4 of Regulation 1049/2001, we have redacted only names of the originators of comments and remarks in internal reports.

[15] Judgment in *Sophie in't Veld v European Commission*, T-301/10, EU:T:2013:135, paragraph 126.

The Court of Justice has ruled that *"where an application based on Regulation 1049/2001 seeks to obtain access to documents containing personal data" "the provisions of Regulation 45/2001, of which Articles 8(b) and 18 constitute essential provisions, become applicable in their entirety"*.[16]

Article 2(a) of Regulation 45/2001 provides that *"'personal data' shall mean any information relating to an identified or identifiable natural person […]"*. The Court of Justice has confirmed that *"there is no reason of principle to justify excluding activities of a professional […] nature from the notion of 'private life'"*[17] and that *"surnames and forenames may be regarded as personal data"*,[18] including names of the staff of the institutions.[19]

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"* and additionally *"if there is no reason to assume that the legitimate interests of the data subjects might be prejudiced"*. The Court of Justice has clarified that *"it is for the person applying for access to establish the necessity of transferring that data"*.[20]

Documents 1 to 14 contain names and other personal information that allows the identification of natural persons.

I note that you have not established the necessity of having these personal data transferred to you. Moreover, it cannot be assumed, on the basis of the information available, that disclosure of such personal data would not prejudice the legitimate interests of the persons concerned. Therefore, these personal data shall remain undisclosed in order to ensure the protection of the privacy and integrity of the individuals concerned.

If you wish to receive the personal data that have been removed, we invite you to provide the Commission 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.

2.3. Protection of the institution's decision-making process (documents 2, 3, 4, 6 and 11)

Article 4.3 first subparagraph, of Regulation 1049/2001 provides that *"[a]ccess to a document, drawn up by an institution for internal use or received by an institution, which*

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16 Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 101; see also judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraphs 63 and 64.

17 Judgment in *Rechnungshof v Rundfunk and Others*, Joined cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.

18 Judgment in *Commission v Bavarian Lager*, C-28/08 P, EU:C:2010:378, paragraph 68.

19 Judgment in *Guido Strack v Commission*, C-127/13 P, EU:C:2014:2250, paragraph 111.

20 Judgment in C-127/13 P *Guido Strack v Commission*, EU:C:2014:2250, paragraph 107 and judgment in C-28/08 P *Commission v Bavarian Lager*, EU:C:2010:378, paragraph 77.

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 jurisprudence of the EU Courts has recognized that *"the protection of the decision-making process from targeted external pressure may constitute a legitimate ground for restricting access to documents relating to the decision-making process"*[21] and that the capacity of its staff to express their opinions freely must be preserved[22] so as to avoid the risk that the disclosure would lead to future self-censorship. As the General Court noted, the result of such self-censorship *"would be that the Commission could no longer benefit from the frankly-expressed and complete views required of its agents and officials and would be deprived of a constructive form of internal criticism, given free of all external constraints and pressures and designed to facilitate the taking of decisions […]".*[23]

Documents 2 and 3 are internal notes which contain opinions of Commission staff members and impressions and perceptions on other trading partners' positions based on participation to exploratory talks. Certain parts also contain information about strategic approaches for the future negotiations. Document 4 is the report of a Trade Policy Committee meeting which records detailed positions of the Commission, Member States and Council services on certain aspects of investment protection. Documents 6 and 11 contain internal notes concerning, respectively, the launch of a public consultation process on a Multilateral Investment Court, and the setting up of an Inter-Service Steering Group on a Commission proposal for a Council decision on the negotiations for the establishment of a Multilateral Investment Court for investment dispute resolution.

The documents in question all relate to a matter, the setting up of a Multilateral Investment Court, for which a decision has not yet been taken by the institutions and therefore, the decision-making process is currently ongoing. Parts of documents 4 and the whole of documents 2, 3, 6 and 11 are withheld as their disclosure would seriously undermine such decision-making process. As the discussions unfold, the EU will be making decisions as to whether or not to pursue certain interests and positions, and may revise its positions. This process needs to be preserved from external pressure in order to preserve the "thinking space" of the Commission, its room for manoeuvre and independence, and the atmosphere of trust in which internal discussions within the Commission and between institutions take place.

In particular, exposing internal views and considerations expressed in the context of preliminary discussions and internal draft notes would be premature at this stage and would subject the Commission to external pressure, potential manipulation and unfounded conclusions both from external stakeholders and negotiating partners. It would also restrict the free exchange

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[21] Judgment in *MasterCard and Others v Commission*, T-516/11, EU:T:2014:759, paragraph 71.

[22] Judgment in *Muñiz v Commission*, T-144/05, EU:T:2008:596, paragraph 89.

[23] Judgment in *MyTravel v Commission*, T-403/05, EU:T:2008:316, paragraph 52.

of views within the Commission staff and between the Commission and its institutional partners. Finally, it would have a negative impact on decisions still to be taken by the EU by giving out elements of the Commission's assessment and its possible future approaches and proposals. This would consequently undermine the decision-making process of the EU institutions by revealing specific elements taken into account for the ongoing discussions.

The external pressure in this case is not hypothetical, but already tangible. In the course of recent and ongoing negotiations, the Commission has been exposed to pressure from conflicting interests of a number of stakeholders regarding the topic of investment protection. Given these specific circumstances, protecting the confidentiality of documents that provide detail of the ongoing decision-making process allows for the actors involved in the decision-making process to speak frankly and freely, and in this way, the Commission is able to collect more accurate information to feed into its decision-making process. Reducing this degree of protection would give rise to a risk of self-censorship of those involved, which would deprive the Commission's deliberative process of that *"constructive form of internal criticism, given free of all external constraints and pressures"* which is *"'designed to facilitate the taking of decisions".*[24] Ultimately, this would therefore affect the quality of the internal consultations and deliberations, and seriously undermine the Commission's decision-making process.

It should also be added that documents 6 and 11 form part of an internal-decision making process aimed at launching an impact assessment for the Multilateral Investment Court project. In this respect, it has been recognised by the General Court that documents drawn up in the context of the preparation of an impact assessment are covered by a general presumption of non-disclosure linked to the exception in the first subparagraph of Article 4(3) of Regulation 1049/2001. In particular, in the joint cases T-424/15 and T-425/15, the General Court ruled that *"for the purposes of applying the exception laid down in the first subparagraph of Article 4(3) of Regulation No 1049/2001, the Commission is entitled to presume, without carrying out a specific and individual examination of each of the documents drawn up in the context of preparing an impact assessment, that the disclosure of those documents would, in principle, seriously undermine its decision-making process for developing a policy proposal"*.[25]

3. OVERRIDING PUBLIC INTEREST

The exception laid down in Article 4.3 of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the documents. Such an interest must, first, be public and, secondly, outweigh the harm caused by disclosure. The Court of Justice has acknowledged that it is for the institution concerned by the request for access to balance the particular interest to be protected by non-disclosure of the document against the public interest. In this respect, the public interest is of particular relevance where the institution *"is*

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[24] See *supra*, case-law cited in footnote 23.

[25] Judgment in joint cases T-424/14 and T-425/14, *ClientEarth v Commission*, EU:T:2015:848, paragraph 97.

acting in its legislative capacity"[26] as transparency and openness of the legislative process strengthen the democratic right of European citizens to scrutinise the information which has formed the basis of a legislative act.[27]

Documents 2, 3, 4, 6 and 11, all relate to the conduct of discussions with a view to initiating negotiations on an international agreement, and as such they fall within the domain of the executive functions of the EU. As acknowledged by the EU Courts, *"public participation in the procedure relating to the negotiation and the conclusion of an international agreement is necessarily restricted, in view of the legitimate interest in not revealing strategic elements of the negotiations"*.[28]

After careful assessment, I have concluded that on balance, preserving the Commission's decision-making process in the context of the ongoing discussions prevails over full disclosure in this specific case. In particular, a public release of documents 2, 3, 6 and 11 and certain parts of document 4 would undermine the possibility for the EU to achieve the best possible outcome in the public interest.

I would also want to stress that the Commission has published a number of documents regarding the topic of the Multilateral Investment Court, including concept papers and information on discussions with trading partners.[29] In August 2016 the Commission launched an Inception Impact Assessment[30] and in December 2016 it initiated a public consultation to gather stakeholders' views on possible options for a multilateral reform of investment protection.[31] I consider that with these publications, the Commission has at this stage satisfied the interest of transparency relating to this file.

Therefore, while recognising the importance of transparency in enabling citizens to participate in a democratic process, in particular in relation to the issue of investment protection which has indeed attracted the attention of several stakeholders, the public interest in obtaining access to documents 2, 3, 6 and 11 and certain parts of document 4 does not, in my view, outweigh the need to protect the above-mentioned decision-making process. Indeed, I consider that the proactive publications mentioned above have ensured the proper balance between the protection of the decision-making process and the interest of the public in being informed about this decision-making process. Consequently, I have to conclude that in this

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[26] Judgment in *Sweden and Maurizio Turco v Council*, Joined cases C-39/05 P and C-52/05 P, EU:C:2008:374, paragraph 46.

[27] *Id.*, paragraph 67.

[28] Judgment in *Sophie in 't Veld v European Commission*, T-301/10, EU:T:2013:135, paragraphs 120 and 181; see also Judgment in *Sophie in 't Veld v Council*, T-529/09, EU:T:2012:215, paragraph 88.

[29] See publications available at http://trade.ec.europa.eu/doclib/press/index.cfm?id=1608.

[30] See at http://trade.ec.europa.eu/doclib/docs/2016/october/tradoc_154997.pdf and http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_trade_024_court_on_investment_en.pdf.

[31] See at http://trade.ec.europa.eu/consultations/index.cfm?consul_id=233. The consultation is open until 15 March 2017.

case and at this stage, there is no overriding public interest in full disclosure of documents 2, 3, 4, 6 and 11.

4. PARTIAL ACCESS

Pursuant to Article 4.6 of Regulation (EC) No 1049/2001 *"[i]f only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released"*. We have analysed in detail the content of documents 2, 3, 6, 11, 12, 12a and 12b with a view to determining whether parts of these documents could be released. We have however concluded that these documents are to be withheld in their entirety as their content is covered by the exceptions set out in Article 4 of Regulation 1049/2001, and it would be impossible to disclose any part without undermining the protection of the interests covered by these exceptions.

Even if partial access was possible, which is not the case, it appears that the content that could be released would be meaningless. According to settled case law, the institutions are entitled to refuse partial access *"in cases where examination of the documents in question shows that partial access would be meaningless because the parts of the documents that could be disclosed would be of no use to the applicant"*.[32]

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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-B4
BERL 5/282
B-1049 Bruxelles

or by email to: xxxxxxxxxx@xx.xxxxxx.xx

[32] Judgment in *Mattila v Council and Commission*, T-204/99, EU:T:2001:190, paragraph 69.

Yours sincerely,

Jean-Luc DEMARTY

For the Director General absent
Joost KORTE
Deputy Director general

Encl.:

- Annex I - List of documents;
- Released documents