



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,
DG/JP/I.3/KVK/VA D(2017) 958096

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By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-4756-505d382f@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/6695

Dear Sir,

We refer to your e-mail dated 01/11/2017 in which you make a request for access to documents, registered on 03/11/2017 under the above mentioned reference number.

You request access to: All documents - including but not limited to e-mails, minutes and 4-column tables - related to the trilogue meetings between the Parliament and the Council on the organic farming regulation.

We have identified 88 documents as referring to the 18 trilogues which took place to reach a political agreement in June 2017, a list of which you will find attached to this mail.

You will also find attached a copy of documents n. 1, 2 and 88.

As regards document n. 85, I would like to inform you that it is publicly available at the following link:

<http://data.consilium.europa.eu/doc/document/ST-10790-2017-INIT/en/pdf>

Having examined the remaining documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of this Regulation.

According to Article 4 (3) first subparagraph of Regulation 1049/2001 "*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."

As you know the Regulation on the organic production reform has not been adopted yet, as it has neither been voted by the European Parliament plenary neither adopted by the Council of the European Union yet.

Trilogue meetings took place in a sphere of confidence and trust, with the aim of finding a ground for compromise between the respective institutions. As long as the inter-institutional decision-making process has not been finalised, disclosure to the public of the preliminary views and the positions expressed in the trilogue meetings by the representatives from the Commission, the Council and the Parliament would entail a reasonably foreseeable and specific risk of putting the inter-institutional decision-making process under external pressure, thereby jeopardising the compromises reached.

With regards to documents 3, 4, 6, 9, 14, 18, 22, 27, 34, 40, 46, 57, 63, 70, 73, 75, 79 and 84, referring to the agendas, they contain explicit references to the negotiation procedure and therefore could undermine the finalisation of the decision making process.

Concerning the documents identified with numbers n. 21, 26, 31, 32, 33, 37, 38, 39, 45, 50, 51, 52, 53, 54, 55, 56, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 74, 78, 82, 83, 86 and 87, these are informal documents or non-papers drafted by the Commission, the Council or the European Parliament in the framework of preliminary discussions and served as a preparation in order to clarify discussion points and facilitate the reach of a compromise. They contain therefore preliminary views on specific aspects which cannot be disclosed in order not to jeopardise the decision making process. These documents will furthermore be also relevant for the preparation of the secondary legislation: delegated and implementing acts.

The exception provided for in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 therefore applies to all these documents.

We have considered whether partial access could be granted to the documents mentioned above, but they are entirely covered by the exception in Article 4 (3), first subparagraph of Regulation 1049/2001.

As regards documents 5, 7, 8, 10, 11, 12, 13, 15, 16, 17, 19, 20, 23, 24, 25, 28, 29, 30, 35, 36, 41, 42, 43, 44, 47, 48, 49, 58, 71, 72, 76, 77, 80 and 81, identified for the purpose of your request, refer to the so-called 4-column table, an informal document produced by the Council which keeps records of the progression of the decision making process until the final decision.

In this document the positions of the three institutions are reported:

The first Column reports the Commission proposal COM (2014) 180: Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007, which you can find at the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014PC0180>

The second column reports the Council General Approach on a regulation on organic production and labelling of organic products repealing Council Regulation (EC) No 834/2007 which can be found at the following link:

<http://data.consilium.europa.eu/doc/document/ST-9750-2015-INIT/en/pdf>

Finally the third column is the European Parliament amendments that can be found here:

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A8-2015-0311&language=EN>

The fourth column drafts the progress of the compromise. As regards in particular this fourth column, the same arguments provided above apply and therefore it cannot be disclosed to the public, according to the exemption laid down in article 4,(3) first subparagraph, of Regulation (EC) No 1049/2001 on access to documents.

We assessed the possibility to provide partial access to these documents. As the information included in the first three columns is public, we consider that a redaction of the 4th column in all the documents referring to the trilogue would be administratively too burdensome due to the size of the documents (around 600 pages per trilogue) and would not bring any substantial added value to your application.

The exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest in disclosure. However, we were not able to identify such an interest.

In case you would disagree with our assessment, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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-4
BERL 5/282
B-1049 Bruxelles

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

Yours faithfully,



Jerzy PLEWA

Encl.: 3 documents and a list