



EUROPEAN COMMISSION

Secretariat-General

Directorate B
The Director

Brussels, **11 OCT. 2018**
Pres(2018)5225081

By registered mail:

Ms Margarida da Silva
Corporate Europe Observatory
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Advance copy by email:

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77678e94@asktheeu.org](mailto:ask+request-5978-77678e94@asktheeu.org)

Subject: Your application for access to documents pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents – ref. GestDem 2018/5149

Dear Ms da Silva,

We refer to your e-mail of 2 October 2018, registered on 3 October 2018, in which you make a request pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

You request access to ‘document SI (2018) 410 referring to a proposal on the reform of the Transparency Register. This document was mentioned in the minutes of the 2263rd meeting of the [European] Commission [...] on Wednesday 18 July 2018 (morning)’.

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

The document to which you seek to obtain access contains information on the ongoing negotiations relating to the European Commission’s proposal for an interinstitutional agreement on a mandatory Transparency Register, its state of play and the Commission’s assessment of the Parliament’s and Council’s respective negotiating positions.

Disclosure of the document requested would seriously undermine the protection of the decision-making process of the European Commission, as it would reveal the European Commission’s internal assessment of the respective negotiating positions of the other two

¹ Official Journal L 145 of 31.05.2001, p.43.

institutions in the ongoing interinstitutional negotiations on a mandatory Transparency Register.

Therefore, the exception laid down in Article 4(3), first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

I have also considered whether partial access could be granted to the document requested. However, I consider that no meaningful partial access can be granted to the document concerned without undermining the interest protected by the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001.

The exception laid down in Article 4(3) of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the document. I note that you did not invoke any such overriding public interest, nor could I identify any.

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-4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,



Pascal Leardini