



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION

The Director-General

29. 03. 2019

Brussels,
Taxud E2/SVDV – taxud.e.2(2019)1882069

Mrs Lorena Rojas Paz
Calle Juan Bravo 63
ES – 28006 MADRID

ask+request-6424-a11ad059@asktheeu.org

(by e-mail and registered mail)

Dear Mrs Rojas Paz,

Subject: Your application for access to documents – Ref GestDem No 2019/1429

We refer to your e-mail dated 20 February 2019, in which you make a request for access to documents, registered under the above-mentioned reference number.

You request access to document: *“Documents about the fisheries and agriculture agreements between the EU and Morocco signed by Federica Mogherini”*.

Your initial request was addressed to DG NEAR, who forwarded your request to the Secretariat-General. The latter informed you on 12 March 2019 that the request would be dealt with both by the European External Action Service and the European Commission, who split the request over Directorates-General MARE (fisheries) and TAXUD (taxation and customs). DG Taxation and Customs Union is competent for the agreement on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (the so-called “agriculture agreement”).

The current reply covers letters relating to the amendment of Protocols No 1 and No 4 of the EU-Morocco Association Agreement.

Following your request, we have identified:

1) 15 letters with an annex, dated 20 June 2018, signed by Commissioner Pierre Moscovici and the High Representative Vice-President of the European Commission Mrs Federica Mogherini, and sent

to MEP David McAllister, MEP Bernd Lange, MEP Patricia Lalonde, MEP Tokia Saïfi, MEP Jan Zahradil, MEP Marietje Schaake, MEP Inès Ayala Sender, MEP France Jamet, MEP William Darrmouth, MEP Alessia Maria Mosca, MEP Helmut Scholz, MEP Iuliu Winkler, MEP Yannick Jadot, MEP Godelieve Quisthoudt-Rowohl and MEP Emma McClarkin.

In so far as these 15 letters are all identical (only the addressee is different), we decided to provide you with one copy of a letter together with the annex: “Draft agreement to extend preferences to products from Western Sahara – Main elements of the Commission proposal”.

2) 11 letters with an annex, dated 22 June 2018, signed by Commissioner Pierre Moscovici and the High Representative Vice-President of the European Commission Mrs Federica Mogherini, and sent to the heads of the political groups European Parliament Members MEP Udo Bullmann, MEP Manfred Weber, MEP Nicolas Bay, MEP Marcel de Graaff, MEP Gabi Zimmer, MEP Guy Verhofstadt, MEP Nigel Farage, MEP Philippe Lamberts, MEP Ska Keller, MEP Syed Kamall and MEP Ryszard Legutko.

In so far as these 11 letters are all identical (only the addressee is different), we decided to provide you with one copy of a letter (these letters have the same annex as mentioned above).

The documents to which you have requested access contain personal data in the form of signatures.

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 Union legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/1725¹. Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

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 document requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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.

¹ Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Official Journal L 205 of 21.11.2018, p. 39.

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, Document Management & Access to Documents (SG.C.1)
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

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I would like to inform you that this reply does not prejudice the replies, which you will receive from other Directorates-General to your application registered under other Gestdem numbers (DG MARE 2019/1428).

Yours faithfully,



Stephen Quest

Annexes: as stated above