



Report on the meeting of the European Ombudsman's inquiry team with the representatives of the European Commission

Correspondence - 25/11/2021

Case 1264/2021/ABZ - **Opened on** 26/07/2021 - **Decision on** 22/02/2022 - **Institution concerned** European Commission (No maladministration found) |

Case title : The European Commission's refusal to grant full public access to documents related to meetings of the EU-Canada Comprehensive Economic and Trade Agreement (CETA) committees

Date : Tuesday, 12 October 2021

Remote inspection arrangements: Videoconference via Webex

Duration of the meeting: 14:00 pm - 14:45 pm

Present:

European Commission

Head of Unit, DG AGRI

International Relations Officer, DG AGRI

Policy Assistant, DG AGRI

Case Handler, DG AGRI

Case Handler, DG AGRI

Administrative Assistant, DG AGRI

Deputy Head of Unit, Secretary General

Legal and Policy Officer, Secretary General

Policy Officer, Secretary General

European Ombudsman



Mr Ó REGAN Fergal, Chief Legal Expert

Ms EHNERT Tanja, Inquiries Officer

Ms ZEJC Anna, Inquiries Officer

Ms KLUBERT Nina, Inquiries trainee

Purpose of the meeting

The purpose of the meeting was for the Ombudsman's inquiry team to gain a better understanding of certain redactions made in Document 1 " *Briefing (Line to Take) for CETA Agriculture Committee of 21 September 2020*" (ref. Ares 2021)170733), in relation to which the Commission invoked the exception in Regulation 1049/2001 that concerns the protection of the public interest as regards international relations. [1]

Introduction and procedural information

The Ombudsman's inquiry team introduced themselves, thanked the Commission's representatives for meeting with them and set out the purpose of the meeting. The Ombudsman's inquiry team outlined the legal framework that applies to meetings held by the Ombudsman. In particular, it stated that the Ombudsman would not disclose to the complainant or to any third party any information that the Commission identified as confidential without the Commission's prior consent. [2] Any confidential information provided to the Ombudsman's inquiry team would be included in a confidential Annex to the report, which would not be shared with the complainant or any third party.

Information exchanged

By way of introduction, the Commission's representatives explained that the document at issue was prepared for the representative of the Commission taking part in a meeting of the CETA Agriculture Committee.

The document contains information on the negotiations with Canada as well as background information setting out why certain issues to be discussed at the meeting were sensitive.

As regards the redactions, the Commission's representatives explained that disclosing the redacted text could potentially undermine the Union's relationship with Canada and, consequently, undermine the public interest as regards international relations. They added that disclosure of the document could also undermine international relations with other third countries.

The Commission's representatives furthermore emphasised that

- the Commission carefully assessed the document, and sought to disclose as much of it as possible;
- disclosure is a delicate task involving the balancing of different interests;
- the Commission enjoys wide discretion when applying the public interest exceptions provided for in Article 4(1)(a) of Regulation 1049/2001 [3] ; and
- the Commission has indicated to the complainant why certain parts of the text could not be disclosed.

Conclusion of the meeting



The inquiry team thanked the Commission's representatives for their time and for the explanations provided, and the meeting ended.

Brussels, 25 November 2021

Fergal Ó Regan Anna Zejc

Chief Legal Expert Inquiries Officer

Annex:

Confidential annex containing additional information on the reasons for the refusal to provide public access

[1] Article 4(1)(a), third indent, of Regulation 1049/2001

[2] Article 4.8 of the European Ombudsman's Implementing Provisions.

[3] Judgment of the Court of Justice of 3 July 2014 in case C-350/12 P , *Council v In 't Veld*, par. 63.