



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary-General

Brussels,
SG.B4/MK/bb – sg.dsg2.b4(2014)778654

EuropaBio
European Crop Protection
E.F.P.I.A.

**Subject: Access to documents and the protection of commercial
interest/intellectual property**

Dear Ms [redacted], Mr [redacted] and Mr [redacted],

Thank you for your letter of 7 March 2014 in which you are pointing to the relationship between the European 'Access-to-Documents' legislation (Regulation 1049/2001) and certain elements of the Aarhus Regulation (1367/2006) that could have a direct impact on the effective protection of commercial interests and intellectual property in the EU.

This issue has become particularly relevant in the light of a recent judgment by the General Court (case T-545/11 of 8 October 2013). The European Commission shares your concern that a correct balance must be found between the two legal instruments. Moreover, other elements of the legal order relevant to the protection of intellectual property must also be taken into account.

On 17 December 2013 the European Commission launched an appeal against the judgment in case T-541/11.

At this stage I feel that, a meeting between representatives of your organisations and the Secretariat-General at technical level would be the most suitable solution.

I would therefore like to ask you to contact the responsible Head of Unit for 'Transparency' in the Secretariat-General (Tel. 02/29 00 00 - day@ec.europa.eu) who would then organise such a meeting. I have asked Mr Kröger to report back to me on the outcome, in particular with regard to the common set of principles which you have developed.

Yours sincerely,



Catherine Day

c.c.: Ms Klingbeil, Mr .