



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Director-General

Brussels, 13/03/2019
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Ms Béatrice GOREZ
CFFA
244 Chaussée de Waterloo,
1060-Brussels
Belgium

By registered letter with acknowledgement of receipt
Advance copy by email: cffa.cape@gmail.com

Subject: Your application for access to documents - GESTDEM 2019/1013 & GESTEM 2019/2014

Dear Ms Gorez,

We refer to your two e-mails requesting access to documents dated 20/02/2019 which were registered on the same day under the above-mentioned reference numbers.

You request access to the following documents: "*The letter, including the Proposed Action Plan, sent to Korea on 26 November 2013, as mentioned in Paragraph 2 of the Notice of Information published in OJ C142 of 29.4.2015, page 5*" and "*The report established by DG MARE and used to propose to the Commission to decide the termination of the demarches with Korea, as mentioned in the Notice of Information published in OJ C142 of 29.4.2015, page 5.*"

As regard your first request (GESTDEM 2019/1013), the letter requested, including the action plan suggested to the authorities of the Republic of Korea, contains very sensitive information and it is in the core of our bilateral relation with the authorities of the Republic of Korea to fight against IUU fishing. The success of the formal dialogue with the authorities of the Republic of Korea, maintained from November 2013 to April 2015, relied on the confidentiality of the exchanges that were maintained exclusively between the European Commission and the Ministry of Oceans and Fisheries of the Republic of Korea. No other EU Institutions or Member States have access to documents as the letter requested in this case. We would therefore consider that disclosing this document would undermine the bilateral relations with the Republic of Korea.

As specified in Article 4(1) first indent of Regulation (EC) No 1049/2001, "*The institutions shall refuse access to a document where disclosure would undermine the protection of (...) – international relations*" and, in consequence, in light of the exception of protection of the public interest as regards international relations established

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in Regulation 1049/2001, the exception laid down in Article 4(1), first indent, of Regulation (EC) No 1049/2001 applies to this document.

As regard your second request (GESTDEM 2019/1014), the Notice of Information that you refer to does not contain any reference to a “*report established by DG MARE and used to decide the termination of the demarches with Korea*”.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institutions services. We regret to inform you that the Directorate-General for Maritime Affairs and Fisheries does not hold any document corresponding to your above-mentioned request and is therefore not in a position to fulfil your request for this document.

In accordance with Article 7(2) of Regulation (EC) No 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
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,

[e-signed]
João AGUIAR MACHADO