



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION

Legal Affairs, Inter-Institutional Relations & Communication

Brussels

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**Advance copy by email:** [ask+request-10258-320884d6@asktheeu.org](mailto:ask+request-10258-320884d6@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2021/7307**

Dear Ms Dmitriew,

We refer to your e-mail dated 23 November 2021 in which you make a request for access to documents, registered on 24 November 2021 under the above-mentioned reference number.

You requested access to documents that contain the following information:

*“1) All correspondence, including emails, sent and received since 01/01/2020, between the Commissioner for Climate Action, his cabinet, his officials, and any other representatives of DG CLIMA, and representatives from the European Association of Automotive Suppliers (CLEPA).*

*2) List of meetings, including the meeting’s minutes, since 01/01/2020, between officials and representatives of DG CLIMA and representatives from the European Association of Automotive Suppliers (CLEPA)”*

Your application concerns the following documents:

	Author	Date	Reference
1	European Commission	15 July 2021	Ares(2021)4599821
2	CLEPA and others	19 May 2021	Ares(2021)3332267

3	European Commission/CLEPA	28 September 2021	Ares(2021)7724444
4	CLEPA	5 October 2021	Ares(2021)7724444
5	CLEPA	5 October 2021	Ares(2021)7724444
6	CLEPA	5 May 2020	Ares(2020)2374768
7	CLEPA and others	5 May 2020	Ares(2020)2374768
8	CLEPA and others	5 May 2020	Ares(2020)2374768
9	CLEPA	6 July 2021	Ares(2021)7791643
10	CLEPA	6 July 2021	Ares(2021)7791643
11	CLEPA	6 July 2021	Ares(2021)7791643
12	CLEPA	6 July 2021	Ares(2021)7791643
13	CLEPA	6 July 2021	Ares(2021)7791643
14	CLEPA	6 July 2021	Ares(2021)7791643
15	CLEPA and others	18 May 2021	Ares(2021)3332267
16	CLEPA and others	7 July 2020	Ares(2020)3579959
17	European Commission	22 April 2021	Ares(2021)2696514
18	European Commission	22 April 2021	Ares(2021)2696514
19	European Commission	22 April 2021	Ares(2021)2696514
20	European Commission	22 April 2021	Ares(2021)2696514

With regard to documents 1-12, 14, 15, 17 and 20, a complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001. The documents contain the names/initials and contact information of Commission staff members not pertaining to the senior management; the names/initials and contact details of other natural persons; handwritten signatures/abbreviated signatures of natural persons and other information relating to an identified or identifiable natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the above-mentioned documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

As regards the second point of your request, please note that the list of meetings of the Director-General of Directorate-General for Climate Action with organisations and self-employed individuals is available in the link enclosed below:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

In your application you requested access to a list of meetings of meetings of all staff in Directorate-General for Climate Action. Please note that the officials of the European Commission having the status of Director-General shall make public information on all meetings held by them with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union in accordance with the Commission Decision 2104/838/EU, Euratom of 25 November 2014<sup>1</sup>. However, the same obligation does not apply to lower-ranking officials, such as the remaining members of the Directorate-General for Climate Action.

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 institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.

The Court of Justice held that ‘the right of access to documents of the institutions applies only to existing documents in the possession of the institution concerned and [...] Regulation No 1049/2001 may not be relied upon to oblige an institution to create a document which does not exist. It follows that, [...], an application for access that would require the Commission to create a new document, even if that document were based on information already appearing in existing documents held by it, falls outside the framework of Regulation No 1049/2001’<sup>2</sup>.

In the present case, the Directorate-General for Climate Action does not hold any list of all meetings of its staff with the specific organisation concerned by your request in addition to the publicly available information on meetings of the Director-General, which is accessible via the abovementioned links. In this respect, I would like to confirm that compiling such a list in order to fulfil your request would equal to the creation of a new document, as neither can such a list be extracted from a database by means of a normal or routine search.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

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<sup>1</sup> OJ L 343, 28.11.2014, p. 19–21

<sup>2</sup> Judgment of the Court of Justice of 11 January 2017, *Typke v European Commission*, C-491/15 P, EU:C:2017:5, paragraph 31.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

*(e-signed)*

Luca DE CARLI