



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
The Director

Brussels
SG.D.3

Ms Venetia Roxburgh
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Subject: Consultation pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents – GESTDEM 2021/7856

Dear Ms Roxburgh,

We refer to your request of 6 December 2021 for access to documents under the reference number mentioned above.

You requested access to all the documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting listed below:

1. Between CEMBUREAU and Gints Freimanis, Cabinet member of Valdis Dombrovskis, on 3 June 2021
2. Between CEMBUREAU and Valdis Dombrovskis, Executive Vice-President; on 29 June 2021

As indicated in our reply of 7 December 2021 (Reference Ares (2021)7558000), several Directorates-General of the Commission are concerned by your request. You will therefore receive several replies, each pertaining to a subset of the documents requested. This reply relates only to the exchanges and meetings with stakeholders organised by either the Executive Vice-President Dombrovskis or by members of his Cabinet. It includes the documents below:

- Ares (2021) 391911 E-mail_meeting request and letter to EVP Dombrovskis_Redacted
- Ares (2021) 391911 Letter to EVP Dombrovskis on CBAM Redacted
- Ares (2021) 391911 CEMBUREAU CBAM PWC STUDY _Redacted
- Ares (2021) 4672189 E-mail_Legal opinion on CBAM and meeting request on “Fit for 55” package_Redacted
- Ares (2021) 4672189 Legal Opinion_CBAM_Redacted
- Ares (2021) 4672156 Minutes meeting CEMBUREAU and Cabinet EVP Dombrovskis on 03_06_2021_Redacted
- Ares (2021) 7761366 Minutes meeting CEMBUREAU and Cabinet EVP Dombrovskis on 29_06_2021

In your application, you indicate that your address is in United Kingdom (UK). Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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 put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested 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.

Please also note that the document with the reference *Ares (2020) 6705686 CEMBUREAU CBAM PWC STUDY _Redacted* has been partially redacted. The disclosure of the redacted information would undermine the protection of the commercial interests of the sector represented by the organisation that submitted them, because putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in the first indent of Article 4(2) of Regulation (EC) No 1049/2001 applies to this document.

The minutes were drawn up for internal use under the responsibility of the relevant Cabinet. They solely reflect the author's interpretation of the discussion and do not set out any official position of the third parties to which the document refers, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

Yours faithfully,

Elisabeth Werner
Acting director