



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A – Strategy, Analysis and Planning
CLIMA.A.1 – Strategic Coordination, Legal & Institutional

Brussels
CLIMA.A.1

Clara Anzengruber
Wassergasse 20/12
1030 Wien
Austria

By email to: ask+request-11243-5a5aed09@asktheeu.org

Subject: Your access to documents request with reference Gestdem 2022/3100

Dear Ms Anzengruber,

We refer to your e-mail dated 16 May 2022 in which you make a request for access to documents, registered on 30 May 2022 under the above-mentioned reference number.

You requested access to: “*documents which contain the following information:*”

- i) *All correspondence (including email) between 1st December 2019 and 12 July 2020 between Commissioner Simson, Commissioner Timmermans, Commissioner Breton, President van der Leyen, and/or their cabinets and/or officials from the European Commission on one hand and representatives from WWF EPO, Greenpeace EU, ECOS, Food & Water Action Europe, European Environmental Bureau, European Climate Foundation, Carbon Market Watch, Friends of the Earth, Transport & Environment, Germanwatch, CAN Europe on the other, in which the Hydrogen strategy was addressed.*
- ii) *list of meetings between 1st December 2019 and 12 July 2020 between officials and representatives of the European Commission on one hand and representatives from WWF EPO, Greenpeace EU, ECOS, Food & Water Action Europe, European Environmental Bureau, European Climate Foundation, Carbon Market Watch, Friends of the Earth, Transport & Environment, Germanwatch, CAN Europe on the other, in which the Hydrogen strategy was addressed.*
- iii) *Minutes of the meetings mentioned above”.*

Your application for access to documents covers topics falling under the responsibility of different Commission services. In that regard, your request was split into separate requests,

whereby each part is attributed to the respective Commission service under a separate Gestdem reference number. Each service provides its own, separate reply, which relates only to the documents held by that service. In this regard, this request corresponds only to documents held by the Directorate General for Climate Action (DG CLIMA).

DG CLIMA has identified the following documents within the scope of the application:

	Author	Date	Reference
1	Transport & Environment	15 May 2020	Ares(2020)2580496
2	Transport & Environment	15 May 2020	Ares(2020)2580496
3	EEB	19 February 2020	Ares(2020)1053521
4	EEB	19 February 2020	Ares(2020)1053521

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that a complete disclosure of documents 1-3 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, because they contain contact details of natural persons and other information relating to 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 documents 1-3, 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 point ii) of your request, 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 request access to a list of meetings of meetings of all staff in the 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 2014¹. 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 1049/2001’².

In the present case, the Directorate-General for Climate Action does not hold any list of all meetings of its staff with the specific organisations and self-employed individuals 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.

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

¹ OJ L 343, 28.11.2014, p. 19–21

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

Yours faithfully,

(Electronically signed)

Luca DE CARLI
Head of Unit