



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Automotive and Mobility Industries

Brussels,
GROW C4/SPR/cdp(2015)5004768

Ms Ronja Heise
Corporate Europe Observatory
Mundo B
Rue d'Edimbourg 26
Bruxelles 1050
Belgique

Sent by email to: ask+request-2237-e80de822@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2015/4551

Dear Ms Heise,

Thank you for your e-mail dated 27 August 2015 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 28 August 2015, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

Following the reply received from you on 11 September 2015 to our precision request sent on 4 September 2015, the initial deadline was set to 2 October 2015. The deadline was subsequently extended to 23 October 2015.

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents containing the following information:

- a list of the meetings between DG Growth and the European Automobile Manufacturer Association (ACEA) and/or its Member organisations and/or its associated associations (BMW Group, DAF Trucks, Daimler, Fiat Chrysler Automobiles, Ford of Europe, Opel Group, Hyundai Motor Europe, Iveco, Jaguar Land Rover, PSA Peugeot Citroën, Renault, Toyota Motor Europe, Volkswagen Group, AB Volvo, Volvo Car Corporation, FFOE, FEBIAC, ACM, OEB, ALA, CCFA, VDA, AHAI, SIMI, ANFIA, Auto Asociacijas, LAA, RAI, PZPM, ACAP, ACAROM, ZAP SR, BIL Sweden, ANFAC, OSD, Auto-Suisse, SMMT) concerning the introduction of new car emission testing systems and/or the introduction of new air pollution testing systems, with topics and dates of meetings included;

- all minutes of the above meetings;

- any correspondence between the above mentioned actors on the introduction of new car emission testing systems and/or the introduction of new air pollution testing systems;

from September 2014 to August 2015.

Following the precision request and your reply to it, the scope of the request has been specified as concerning a list of meetings, minutes and correspondence between 1 September 2014 and 31 August 2015 with the entities listed above on the following topics:

"the introduction of the new car emission testing system (WLTP)" and "the introduction of the new real-world driving test on air pollution to be implemented with new Euro 6 vehicles."

Following a request received from you on 12 October 2015, the time scope of the request has been modified to cover the period between 1 September 2014 and 12 October 2015.

2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES

As background information, I would like to state that the work of the Directorate-General Internal Market, Industry, Entrepreneurship and SMEs's on WLTP (World Light duty Test Procedure) and RDE (Real Driving Emissions) is supported by regular meetings of the WLTP-EU working group and the RDE working group. Along with other stakeholders, ACEA takes part in these meetings and provides contribution documents. A full list of all the meetings and all related meeting documents are available in the Library of the CIRCABC group "New light duty test procedures: WLTP, MAC,..." (<https://circabc.europa.eu/w/browse/f4243c55-615c-4b70-a4c8-1254b5eebf61>). Access to this group is free to all and does not require any registration or membership. Thus, these documents are already in the public domain and are not listed in the present reply.

3. DESCRIPTION OF DOCUMENTS IDENTIFIED

Regarding the part of your request which concerns a list of meetings between DG GROW and the associations and organisations listed, we have not identified any existing documents matching the scope of your request. Thus that part of the request has been treated as an access to information request, in accordance with the Code of Good Administrative Behaviour. Please find enclosed a list of meetings in which the topic "the introduction of the new car emission testing system (WLTP)" and/or "the introduction of the new real-world driving test on air pollution to be implemented with new Euro 6 vehicles" was at least one of the topics addressed.

No minutes of the meetings have been identified.

Regarding the part of your request which concerns correspondence between DG GROW and the associations and organisations listed, we have identified 15 documents that match the scope of your request. The list of these documents is in annex.

4. DISCLOSURE OF THE REQUESTED DOCUMENTS

Documents 4, 12 and 14 originate from the European Commission. You may reuse the documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse¹.

Documents 1-3, 5-11, 13 and 15 originate from a third party. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the documents.

Please note that the documents received from third parties are disclosed for information only and cannot be re-used without the agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

The documents to which you have requested access contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of

¹ See the Decision of the Commission of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011 for details; this Decision does not apply to documents for which third parties hold the copyrights, Article 2 (2) (b).

² Official Journal L 8 of 12.1.2001, p. 1

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

Yours sincerely



Joanna Szychowska

Annexes: Document register
List of meetings
Zipped file containing 15 documents