

**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate C - Quality of Life, Water & Air  
ENV.C.3 - Air

Mr Vincent Harmsen  
Pieter Schroonsstraat 58  
B-1830 Machelen

**By registered letter with acknowledgment of receipt**  
**Advance copy by email: [ask+request-2638-3d3a2531@asktheeu.org](mailto:ask+request-2638-3d3a2531@asktheeu.org)**

**Subject: Request for access to documents – GESTDEM No. 2016/1069**

Dear Mr Harmsen,

Thank you for your e-mail dated 29 February 2016, which was registered at Environment Directorate-General of the European Commission on 4 March 2016, 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).

### **1. SCOPE OF YOUR REQUEST**

Your e-mail requested access to documents as follows:

*- all correspondence (including emails), agendas, minutes of meetings and any other reports of such meetings where 'defeat devices', 'cycle beating', 'emission control systems', 'defeat strategies', or in general the tailoring of car emissions to comply with test cycles was discussed/mentioned between officials of DG ENV and officials/representatives of (one or more of) the following organisations: Secretariat-General; DG GROW (before called DG ENTR); US EPA; ACEA; VDA; CCFA; Volkswagen; Daimler; BMW; Fiat Chrysler; PSA; Renault–Nissan; German government; French government; Italian government; Dutch government between January 2010 and September 2015.*

*When 'officials' are mentioned in this request this includes the Commissioners and their Cabinet members, as well as Commission President Jean-Claude Juncker and his Cabinet.*

### **2. DESCRIPTION OF DOCUMENTS IDENTIFIED**

We have identified 10 documents that match the scope of your request. The list of these documents is in annex.

### **3. DISCLOSURE OF THE REQUESTED DOCUMENTS**

All documents 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 reuse<sup>1</sup>.

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 data<sup>2</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>.

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 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

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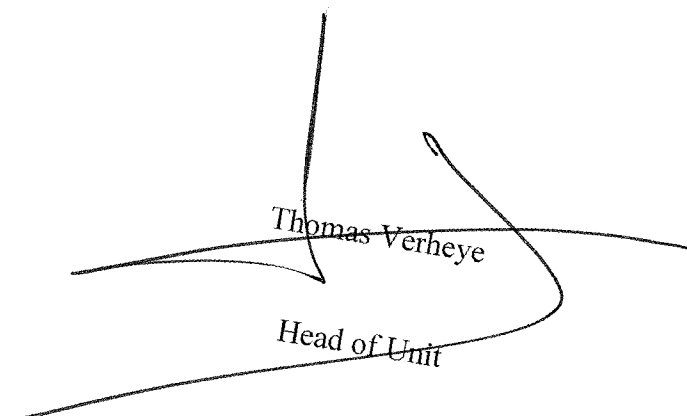
<sup>1</sup> See the Decision of the Commission of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011 for details; this Decision does not apply to documents for which third parties hold the copyrights, Article 2 (2) (b).

<sup>2</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>3</sup> 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.

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

Yours sincerely

  
Thomas Verheye  
Head of Unit

Annexes: Document register  
Zipped file containing 10 documents