



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy & Green Growth
ENV.B.2 - Sustainable Chemicals

Brussels,
ENV B.2/NP

***By registered letter with
acknowledgment of receipt***

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Dear Madame,

Subject: Your application for access to documents - Ref GestDem No 2016 - 4714

We refer to your e-mail dated 25/08/2016 and registered under the above mentioned reference number. By letter of 08/09/2016 from Mr Konrad ref. Ares 2016 (5127161) the initial deadline was extended to 6 October 2016.

You requested access to documents:

*"- a list of meetings between representatives and/or officials of DG ENV and the company ExxonMobil as well as consultancies acting on their behalf – between September 1st 2015 and August 25th 2016
- Minutes or other forms of reporting of those meetings
- All correspondence, also emails, between representatives and/or officials of DG ENV and the company ExxonMobil as well as consultancies acting on their behalf – between September 1st 2015 and August 25th 2016."*

We have identified the following meetings and documents:

1. Meeting between representatives of ExxonMobil and Burson Marsteller Brussels (BM) - Consultant to Exxonmobil Chemical and Daniel Calleja held on 30 September 2015;

2. Meeting between Kestutis Sadauskas, other DG ENV officials and ExxonMobil representatives held on 1 October 2015;
3. Meeting between Commissioner Vella and CEFIC Board (where ExxonMobil representative was a member at that time) held on 7 March 2016;
4. E-mail exchange between BM and DG ENV on Request for meeting with ExxonMobil representative of 11/09/2015, 14/09/2015, 15/09/2015, 24/09/2015;
5. E-mail exchange between BM and DG ENV on Meeting request – ExxonMobil Chemical of 16/09/2015, 17/09/2015, 29/09/2015;
6. Letter from Daniel Calleja to ExxonMobil Petroleum& Chemical BVBA ref. Ares (2015)3787656 – 14/09/2015;
7. Letter from ExxonMobil Chemical to Daniel Calleja ref. Ares (2015)4423673 – 20/10/2015.

For the first three items no minutes or other forms of reporting were drafted.

Please note that some of the documents disclosed were received by the Commission from a third party. They are disclosed for information only and cannot be re-used without the agreement of the originator.

Furthermore, the documents to which you have requested access are redacted because they 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 data¹. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

Besides since some of the documents originate from a third party, the originators of the documents have been consulted and they have requested to expunge personal details.

According to Article 8(b) of Regulation (EC) No 45/2001, 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/or that it cannot be

¹ Official Journal L 8 of 12.1.2001, p. 1

² 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.

assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore we are disclosing the requested documents expunged from this personal data.

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 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Bjorn Hansen
Head of Unit