



EUROPEAN COMMISSION

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

Industrial Transformation and Advanced Value Chains
Automotive and Mobility Industries
Head of Unit

Brussels,
GROW C4/SPR/cdp(2017)828162

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

Mr Vincent Harmsen
c/o Simon de Bergeyck
Rue au Bois 216
1150 Brussels

Advance copy by email:
[ask+request-3744-
32f6f753@asktheeu.org](mailto:ask+request-3744-32f6f753@asktheeu.org)

Subject: Request for access to documents – GESTDEM No. 2017/360

Dear Mr Harmsen,

Thank you for your e-mail dated 23 January 2017 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 23 January 2017, 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) sent or received by (also in cc) Antonio Tajani, former European Commissioner for Industry and Entrepreneurship, or members of his Cabinet, 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 January 2010 and July 2014);

-all correspondence (including emails) sent or received by (also in cc) Ferdinando Nelli Feroci, former European Commissioner for Industry and Entrepreneurship, or members of his Cabinet, 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 July 2014 and December 2014);

-minutes of meetings or any other reports of such meetings where Antonio Tajani and/or Ferdinando Nelli Feroci (or members of their respective Cabinets) participated, and

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 January 2010 and December 2014).

2. DESCRIPTION OF DOCUMENT IDENTIFIED

We have identified one document that matches the scope of your request: "A preliminary Briefing for Antonio Tajani, European Commissioner for Industry and Entrepreneurship", provided by Schrader Electronics. Please find the document enclosed.

3. DISCLOSURE OF THE REQUESTED DOCUMENTS

The document originates 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 document.

Please note that 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 document to which you have requested access contains 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.

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 document 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.

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.

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 of 05.07.2012