



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A - International and Mainstreaming
CLIMA.A.1 - International and Inter-Institutional Relations

Brussels,

By registered letter with acknowledgment of receipt

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Advance copy by email:

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Subject: Your application for access to documents - GestDem 2017/3566

Dear Ms Heise,

We refer to your e-mail dated 9 June 2017 in which you make a request for access to documents, registered on 13 June 2017 under the above mentioned reference number.

You request access to

- *all correspondence, a list of meetings, and minutes thereof, with and from the European Commissioner for Climate Action and/or officials and representatives of the Directorate General [for Climate Action] concerning the issue of the fertiliser industry and climate policies since January 2000, as well as*
- *all correspondence and meetings between the Commissioner for Climate Action and/or representatives of the Directorate General [for Climate Action] with actors of fertiliser producers and interest groups with links to the fertiliser industry, such as Fertilizer Europe, European Fertilizers Import Association, European Sustainable Phosphorus Platform, European Crop Care Association, Nutrient Platform, YARA S.A, Association for a better European Access to Nutrients, Asociación Nacional de Fabricantes de Fertilizantes (ANFFE), Association des Producteurs Européens de Potasse (APEP), Hellenic Fertilizer Association, CEN Technical Committee 260, European Consortium of the Organic-based Fertilizer Industry (ECOFI), European Organic Fertilizers Manufacturers Association (EUROFEMA), Alliance Européenne des Engrais Phosphatés (AEEP), European Biostimulants Industry Council (EBIC), Agricultural Industries Confederation (AIC), Mosaic, The Fertiliser Institute, International Fertiliser Industry Association, International Plant Nutrition Institute, the international federation of industrial energy consumers, European Chemical Industry Council (CEFIC), Industrieverband Agrar, Prospero & Partners, ecofys, copenhagen economics, Achema, Potashop, CF Industries, Uralkali, ICL, Agrium, K+S, SQM, APC, and Total,*

- * *on the topic of Greenhouse Emission Trading, from January 2000 to June 2015;*
- * *the issue of the fertiliser industry and natural gas import and production and/or unconventional gas exploitation, from January 2000 to June 2015;*
- * *the issue of the 2030 EU Climate and Energy Framework, from January 2013 until June 2017;*
- * *the issue of the EU Emission Trading System, from December 2014 to June 2017.*

Your application covers a considerable time period, and together with the Historical Archives of the European Commission, we have carried out extensive searches in our files.

Information on meetings of former Commissioner Connie Hedegaard, Commissioner Miguel Arias Cañete, as well Director General Jos Delbeke is available in the public domain:

http://ec.europa.eu/archives/commission_2010-2014/hedegaard/agenda/index_en.htm

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=523060f7-97c6-480b-8bb9-30bb409e650e>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

A number of the organisations listed in your application have contributed to public consultations that different services of the Directorate General for Climate Action have carried out: https://ec.europa.eu/clima/consultations_en.

In addition to these documents already available in the public domain, your application concerns the following documents:

	Reference	sender	recipient	date
1	Ares(2010)629285	CEFIC	Commission	24/9/2010
2	Ares(2011)979025	CEFIC	Commission	14/9/2011
3	Ares(2011)1112937	Commission	CEFIC	19/10/2011
4	Ares(2013)3575441	IFIEC	Commission	10/10/2013
5	Ares(2013)3642186	CEFIC	Commission	4/12/2013
6	Ares(2013)3755809	IFIEC	Commission	18/12/2013
7	Ares(2014)1505854	APEP	Commission	9/5/2014
8	Ares(2014)1664562	IFIEC	Commission	22/5/2014
9	Ares(2014)2979933	CEFIC, Fertiliser Europe, IFIEC	Commission	4/9/2014
10	Ares(2017)781652	APEP	Commission	10/2/2017
11	Ares(2017)1036848	Commission	APEP	27/2/2017

These documents are enclosed.

Documents 5 and 9 have been sent to the Commission from various entities. The names of those senders that are not in the list of entities that you have provided in your application have been redacted, as these are not within the scope of your request.

The documents to which you have requested access contain personal data, in particular names and signatures, office addresses, direct phone numbers and email addresses.

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/or 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.

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,

Elina BARDRAM



Encl.

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.