



**EUobserver
Rue Montoyer 18B
1000 Brussels
Belgium**

By registered letter with acknowledgment of receipt

Advance copy by email

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2018/2662

We refer to your request dated 09/05/2018 in which you make a request for access to documents, registered on 14/05/2018 under the above mentioned reference number.

You request "all data sets, papers, emails and reports relating to NOx emissions tests carried out by the Joint Research Centre in light-duty vehicles, including their brands, carried out since 1 September 2015".

On June 1, 2018, we disclosed to you the first batch of documents, comprising of 7 documents.

In this second batch, we are disclosing to you the following documents:

1. JRC111524_retrofit_testing_report_v2c
2. Clean Engine Prize Paper 06-2018
3. JRC109841_kjna29138enn.pdf
4. Ares(2017)2878785 – AA with DG GROW – first quarterly reports 2017
5. JRC109961_deliv_interim_task_5_1_aa_dg_grow_si2_730140_march2017_v3
6. JRC109961_audi_a1_[vw036]_mar2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140
7. JRC109961_fiat_panda_[ft059]_mar2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140
8. JRC109961_ford_fiesta_[fd007]_mar2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140
9. Ares(2017)5389963 – quarterly interim report Task 5.2 AA SI2.730104
10. JRC109983_deliv_interim_task_5_1_aa_dg_grow_si2_730140_july2017_v5
11. JRC109983_audi_a1_july2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v3
12. JRC109983_golf_july2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v3
13. JRC109983_panda_july2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v3
14. JRC109983_tiguan_july2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v3
15. JRC109983_yeti_july2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v3
16. JRC109985_deliv_interim_task_5_1_aa_dg_grow_si2_730140_september2017_v3
17. JRC109983_530d_sept2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v2
18. JRC109983_opel_astra_sept2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v2
19. JRC109983_peugeot_partner_sept2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v2
20. JRC109987_deliv_interim_task_5_1_aa_dg_grow_si2_730140_december2017_v1
21. JRC109987_kia_sportage_dec2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v2
22. JRC109987_renault_twingo_dec2017_deliv_interim_task_5_1_aa_dg_grow_si2_730140_v4

Please note that further documents are still under review, due to complex intellectual property rights and/or copyright issues, which need to be analyzed in detail before we can take a decision on disclosure. We will revert to you as soon as possible also on this final batch of documents.

Some of the documents to which you have requested access contain personal data, in particular the names and email addresses of the staff involved in the drafting of the documents or as addresses emails.

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 a version of the documents requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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 5/288

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

Yours sincerely,


Alois Krasenbrink
Head of Unit

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.