



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
The Director

Brussels
SG.D.3

Ms Venetia Roxburgh
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Subject: Consultation pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents – GESTDEM 2021/7865

Dear Ms Roxburgh,

We refer to your request of 6 December 2021 for access to documents under the reference number mentioned above.

As indicated in our reply of 7 December 2021 (Reference: Ares (2021)7558000), several Directorates-General of the Commission are concerned by your request. You will therefore receive several replies, each pertaining to a subset of the documents requested. You requested access to all the documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting listed below:

1. Between CEMBUREAU and Executive Vice-President Frans Timmermans on 12 May 2020.
2. Between CEMBUREAU and Cabinet members of Executive Vice-President Frans Timmermans on the 16 December 2020.
3. Between CEMBUREAU and Stefanie Hiesinger, Cabinet member of Executive Vice-President Frans Timmermans or Antoine Colombani, Executive Vice-President Cabinet member of Frans Timmermans on the 2 July 2021.

This reply relates only to the exchanges and meetings with stakeholders organised by either the Executive Vice-President Timmermans or by members of his Cabinet.

It includes the documents below:

- Ares (2019) 7597126 email on the appointment EVP Timmermans _Redacted
- Ares (2019) 7597126 CEMBUREAU Letter to EVP Timmermans_Redacted
- Ares (2019) 7597126 CEMBUREAU Introduction.pdf
- Ares (2020) 361587 [Re] Appointment as EVP Timmermans – Letter from CEMBUREAU_Redacted
- Ares (2020) 2697156 CEMBUREAU – CEO Declaration 2020_05_04.pdf_Redacted
- Ares (2020) 6705686 Reply_ CEMBUREAU – Study on CBAM & meeting request_Redacted
- Ares (2020) 6705686 CEMBUREAU CBAM PWC STUDY _Redacted
- Ares (2020) 7667765 Minutes of the meeting meeting of Antoine Colombani with CEMBUREAU on 16_12_2020 _Redacted
- Ares (2021) 3401885 E_mail Legal Opinon CBAM and Meeting request_Redacted
- Ares (2021) 3401885 Legal Opinion_CBAM_Redacted
- Ares (2021) 3912639 RE_ Legal opinion on CBAM and meeting request on “Fit for 55%” package_Redacted
- Ares (2021) 4061495 RE_ CEMBUREAU _ Confirmation meeting 2nd July at 3 pm _Redacted
- Ares (2021) 4061495 Carbon Leakage Infographic
- Ares (2021) 7943556 Minutes of the meeting of Antoine Colombani with Cembureau on 02_07_2021_Redacted

In your application, you indicate that your address is in United Kingdom (UK). Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that Article 9(1) (b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Please also note that the document with the reference *Ares (2020) 6705686 CEMBUREAU CBAM PWC STUDY _Redacted* has been partially redacted. The disclosure of the redacted information would undermine the protection of the commercial interests of the sector represented by the organisation that submitted them, because putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in the first indent of Article 4(2) of Regulation (EC) No 1049/2001 applies to this document.

The minutes were drawn up for internal use under the responsibility of the relevant Cabinet. They solely reflect the authors' interpretation of the discussion and do not set out any official position of the third parties to which the document refers, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

Yours faithfully,

Elisabeth Werner
Acting director