



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

DG.003 – Administrative and Legal support, Liaison SRD

Brussels,

By registered mail with acknowledgement of receipt:

Mr. Pascoe Sabido

Rue d'Edimbourg 26-28

1060 Brussels

Copy by email:

e-mail: ask+request-1492-f7aa79ae@asktheeu.org

Subject: Your application under Regulation (EC) 1049/2001 for access to documents - GestDem 2014/4882

Dear Mr. Sabido,

I refer to your e-mail dated 20 October 2014, by which, pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, you initiated a request, which was for DG Climate Action registered under GestDem 2014/4882.

In your application you asked the Commission to provide you with documentation of meetings and email correspondence between the DG Climate Action and the listed companies (Presence, Enel, Endes and Glencore Xstrata) related to UNFCCC negotiations, specifically on GHG targets and the policy instruments to achieve them and the 2030 climate and energy package.

Your request concerns the period from 1 October 2012 to 6 October 2014.

Please be informed that we have identified the documents covered by your request and in annex you will find an overview of the documents as well as copies of the identified documents, where applicable.

Having carefully examined your request and the documents concerned under the provisions of Regulation No. 1049/2001, I am pleased to inform you that we have provided you with full access to the document No.5 and with partial access to the documents No.1, No. 2, No.3 and No.4. The documents to which you have requested access contain personal data. Please note that all personal data of the third parties in the documents No.1, No. 2, No.3 and No.4 have been blanked out.

Article 4(1)(b) of the Regulation No 1049/2001 provides that

"the institutions shall refuse access to a document where 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",

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document or to a part of it has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with the EU 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 documents 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.

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.

¹ OJ L 8 of 12.1.2001, p. 1

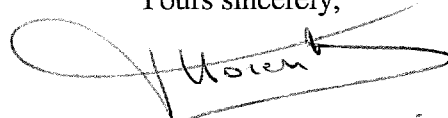
² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

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-5
BERL 5/327
B-1049 Brussels

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Horenbeek', with a large, sweeping loop at the end.

Rudy van Horenbeek