



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Sustainable Growth and EU 2020
Director

16 DEC. 2014

Brussels,
ENTR/B4/SPR/ip - (2014) 4536405

Ms Pauline Liétar
Premières Lignes
10 rue Nicolas Appert
F-75011 Paris

Sent by email to: ask+request-1528-ale529c8@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2014/5203

Dear Ms Liétar,

Thank you for your e-mail dated 22 October and 3 November 2014 which were registered at the Secretariat-General of the European Commission on 4 November, 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).

For organizational reasons, your request, addressed to the Secretariat-General, has been divided into four parts, each part registered separately. This reply covers the documents held by DG Enterprise and Industry (GESTDEM No. 2014/5203). You will receive separate replies from the Chief Scientific Adviser of the European Commission, DG Environment and DG Health and Consumers (GESTDEM numbers 2014/5199, 2014/5201 and 2014/5202 respectively).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents "on the topic of RDE (Real Driving Emissions), all correspondence (including emails), the list of meetings with detailed minutes and any other reports of such meetings between the Chief Scientific Adviser of the European Commission (and her representatives), the DG Environment, the DG Sanco, the DG Entr and the following organisations and/or individuals: ACEA".

2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES

As background information, I would like to state that DG Enterprise and Industry's work on RDE (Real Driving Emissions) is supported by regular meetings of the RDE working group. Along with other stakeholders, ACEA takes part in these meetings and regularly

provides contribution documents. A full list of all the meetings and all related meeting documents are available in the DG Enterprise and Industry CIRCABC group "New light duty test procedures: WLTP, MAC,..." (<https://circabc.europa.eu/w/browse/f4243c55-615c-4b70-a4c8-1254b5eebf61>). Access to this group is free to all and does not require any registration or membership. Thus, these documents are already in the public domain and are not listed in the present reply.

3. DESCRIPTION OF DOCUMENTS IDENTIFIED

Further to your request, with reference No. GESTDEM 2014/ 5203, please find enclosed a list of documents that match the criteria set in your request, as well as a list of meetings where the topic "RDE (Real Driving Emissions)" was addressed.

We have identified four documents that match the scope of your request.

4. DISCLOSURE OF THE REQUESTED DOCUMENTS

All the four documents identified originate from a third party. I can confirm that DG Enterprise and Industry 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 documents.

Thus, of the four documents identified, two are disclosed in their entirety. We enclose a copy of the documents requested. However, the documents dated 07.10.2014 and 17.11.2014 contain personal data which is not yet in the public domain. Therefore, we are disclosing copies of the documents where these personal data have been redacted.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse¹.

Please note that all the documents disclosed were received by the Commission from ACEA. They 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.

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

¹ See the Decision of the Commission of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011 for details; this Decision does not apply to documents for which third parties hold the copyrights, Article 2 (2) (b).

protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³. 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.

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,



Carlo Pettinelli

Encl.

² OJ L 8 of 12.1.2001, p. 1

³ 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.