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Directorate-General for Trade
Directorate G - Trade Strategy and Analysis, Market Access
Market Access, Industry, Energy and Raw Materials
Head of Unit

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Amelie Canonne

**Association internationale des techniciens,
experts et chercheurs (AITEC)**

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75011 Paris

France

By registered letter with acknowledgment of receipt

Advance copy by email:

ask+request-1891-ab08d683@asktheeu.org

Dear Ms. Cannone,

Subject: Your application for access to documents – Ref GestDem No 2015/3162

We refer to your email dated 12 June 2015 in which you make a request for access to documents, registered on the same day under the above mentioned reference number. Your application concerns documents related to the meeting between Christian Burgsmueller and the European Chemical Industry Council (Cefic) on 3 June 2015.

We have identified three documents which fall within the remit of your request: (1) E-mail of Cefic to Christian Burgsmueller (Cabinet of Trade Commissioner Cecilia Malmström), (2) Joint position paper of the "Alliance of Energy Intensive Industries" titled "Strategic choices for ETS post-2020: Allow energy intensive industries to be competitive and grow in Europe", (3) Summary report of the meeting (e-mail of Christian Burgsmueller sent on 4 June 2015). Document (2) can be fully released. However, with regard to documents (1) and (3), the names of Commission staff members and industry participants had to be deleted. The names have been withheld according to the protection of personal data as provided in Article 4.1 (b) of the Regulation (EC) No 1049/2001. Thus documents (1) and (3) can only be partially released.

Pursuant to Article 4.1 (b), access to a document or 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 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.

¹ OJ L 8 of 12.1.2001, p. 1

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 5/327
B-1049 Bruxelles

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

Yours sincerely,



Petros SOURMELIS

Encl.: Documents to be released:

- E-mail of Cefic to Christian Burgsmueller (Cabinet of Trade Commissioner Cecilia Malmström)
- Joint position paper of the "Alliance of Energy Intensive Industries" titled "Strategic choices for ETS post-2020: Allow energy intensive industries to be competitive and grow in Europe"
- Summary report of the meeting with Cefic held on 3 June 2015 (e-mail of Christian Burgsmueller sent on 4 June 2015)

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.