



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains

Automotive and Mobility Industries

Head of Unit

09. 03. 2016

Brussels,

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Mr Olivier Hoedeman

Corporate Europe Observatory

Rue d'Edimbourg 26

Bruxelles 1050

Belgique

Sent by email to: ask+request-2539-418fbb37@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2016/348

Dear Mr Hoedeman,

Thank you for your e-mail dated 27 January 2016 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 27 January 2016, 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).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents containing the following information:

- minutes and other reports of meetings between European Commission officials and representatives of Volkswagen, Renault, Volvo, Fiat, Ford, ACEA and other car companies and car industry lobby groups, in which CARS21 and/or Better Regulation was discussed (between January 2004 and June 2006 as well as between January 2010 and December 2012);

- all correspondence (including emails) between European Commission officials and representatives of Volkswagen, Renault, Volvo, Fiat, Ford, ACEA and other car companies and car industry lobby groups, in which CARS21 and/or Better Regulation was discussed (between January 2004 and June 2006 as well as between January 2010 and December 2012);

We have understood "European Commission officials" to exclude the Commissioner for DG Enterprise and Industry. In addition, we have understood "meetings between European Commission officials and representatives of" to mean bilateral meetings.

2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES

As background information, I would like to state that a considerable amount of information on the CARS 21 process is publicly available, including presentations and written contributions from car companies and car industry lobby groups. In particular, the following may be of interest to you:

<https://circabc.europa.eu/w/browse/d6d558c4-0c21-49eb-9522-8c567c288097>

2005 - CARS 21 Public Hearing - 26.04.2005 – contributions from stakeholders

2005 - Public Consultation: The Automotive Regulatory Framework of the Next 10 Years – contributions from stakeholders

2006 - Consultation of interested stakeholders on the CARS 21 final report – contributions from stakeholders

<https://circabc.europa.eu/w/browse/4fad34ec-093e-4003-bc68-b11fdc73d45d>

2011 - CARS 21 public hearing - 13 May 2011 - Presentations and written contributions from stakeholders

2012 - CARS 21 public hearing - 20 April 2012 - Presentations and written contributions from stakeholders

CARS 21 Working Group 1 - Innovation, infrastructure, energy supply and use – meeting documents of 6 meetings which took place 2011 – 2012

CARS 21 Working Group 2 - Trade and international harmonisation – meeting documents of 3 meetings which took place 2011 - 2012

CARS 21 Working Group 3 - Industrial, social and territorial aspects of competitiveness – meeting documents of 3 meetings which took place 2011 – 2012

CARS 21 Working Group 4 - Internal market, emissions and CO2 policies – meeting documents of 6 meetings which took place 2011 – 2012

<https://circabc.europa.eu/w/browse/b61dc19c-f9c6-4301-9215-95c91655bd8d>

2011 - CARS 21 High Level Group meeting on 2 December 2011 - Presentations and written contributions from stakeholders

Access to the CIRCABC spaces mentioned above 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

Regarding the first part of your request (minutes of meetings), no documents which would fit the scope of the request have been identified.

Regarding the second part of your request (correspondence), we have identified 6 documents that match the scope of your request. The list of these documents is in annex.

4. DISCLOSURE OF THE REQUESTED DOCUMENTS

Document 6 originates from the European Commission. You may reuse the document 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 document. Please note that the Commission does not assume liability stemming from the reuse¹.

Documents 1 - 5 originate from third parties. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third parties with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the documents.

Please note that the documents received from third parties 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.

The documents to which you have requested access contain personal data.

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 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.

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).

² Official Journal 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.

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



Joanna Szychowska

Annexes: Document register
Zipped file containing 6 documents