



## EUROPEAN COMMISSION

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

Industrial Transformation and Advanced Value Chains  
Automotive and Mobility Industries  
Head of Unit

Brussels, 25 April 2016  
GROW C4/SPR/cdp(2016)2377386

***By registered letter with  
acknowledgment of receipt***

Mr Vincent Harmsen  
Pieter Schroonsstraat 58  
B-1830 Machelen

***Advance copy by email:***  
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**Subject: Request for access to documents – GESTDEM No. 2016/997**

Dear Mr Harmsen,

Thank you for your e-mail dated 29 February 2016 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 1 March 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 as follows:

*- all correspondence (including emails), agendas, minutes of meetings and any other reports of such meetings where 'defeat devices', 'cycle beating', 'emission control systems', 'defeat strategies', or in general the tailoring of car emissions to comply with test cycles was discussed/mentioned between officials of DG GROWTH (before called DG ENTR) and officials/representatives of (one or more of) the following organisations: Secretariat-General; DG ENV; US EPA; ACEA; VDA; CCFA; Volkswagen; Daimler; BMW; Fiat Chrysler; PSA; Renault–Nissan; German government; French government; Italian government; Dutch government*

*between January 2010 and September 2015.*

*When 'officials' are mentioned in this request this includes the Commissioners and their Cabinet members, as well as Commission President Jean-Claude Juncker and his Cabinet.*

## **2. DESCRIPTION OF DOCUMENTS IDENTIFIED**

We have identified 15 documents that match the scope of your request. The list of these documents is in annex.

## **3. DISCLOSURE OF THE REQUESTED DOCUMENTS**

Documents 1-4 and 6-12 originate from the European Commission. You may reuse the documents 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 reuse<sup>1</sup>.

Documents 5, 13, 14 and 15 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 data<sup>2</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>.

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

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<sup>1</sup> 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).

<sup>2</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>3</sup> 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.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely



Joanna Szychowska

Annexes: Document register  
Zipped file containing 15 documents