



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, 14. 04. 2016
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***By registered letter with
acknowledgment of receipt***

Mr Vincent Harmsen
Pieter Schroonsstraat 58
B-1830 Machelen

Advance copy by email:
[ask+request-2640-
1d6526e4@asktheeu.org](mailto:ask+request-2640-1d6526e4@asktheeu.org)

Subject: Request for access to documents – GESTDEM No. 2016/975

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 29 February 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 of the RDE-LDV working group 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 January 2011 and September 2015.

2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES

As background information, I would like to state that a full list of all the meetings of the RDE-LDV working group is available in the Library of the CIRCABC group "New light duty test procedures: WLTP, MAC,..." (<https://circabc.europa.eu/w/browse/f4243c55-615c-4b70-a4c8-1254b5eebf61>). For each meeting, there are also meeting documents such as the agenda, presentations and notes. 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

We have identified 1 document which matches the scope of your request and is not available in the CIRCABC group mentioned above. The details of the document are in the annex.

4. DISCLOSURE OF THE REQUESTED DOCUMENTS

The document 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.

The document 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 document 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

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.

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
1 document