



EUROPEAN COMMISSION

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

The Director-General

Brussels, **25. 04. 2016**
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***By registered letter with
acknowledgment of receipt***

Mr Peter Teffer
Rue Montoyer 18B
1000 Brussels
Belgium

Advance copy by email:
[ask+request-2647-
cda79d7f@asktheeu.org](mailto:ask+request-2647-cda79d7f@asktheeu.org)

Subject: Request for access to documents – GESTDEM No. 2016/1589

Dear Mr Teffer,

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

In your e-mail you have requested access to documents as follows:

List of participants and minutes of the Real Driving Emissions kick-off meeting of 31 January 2011.

2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES

As background information, I would like to state that documents (such as the agenda, draft terms of reference, etc.) relating to the kick-off meeting of the RDE-LDV group on 31 January 2011 are available in the Library of the CIRCABC group "New light duty test procedures: WLTP, MAC,..." (<https://circabc.europa.eu/w/browse/af27b0e1-64ae-41a5-9382-acd6bc238f3d>). Access to this group is free to all and does not require any registration or membership.

3. DOCUMENTS FALLING UNDER THE SCOPE OF THE REQUEST

The RDE-LDV working group was established to provide technical advice and a platform for the exchange of information at the early stages of the development of the RDE-LDV procedure. The group focuses on highly technical questions and does not cover any legal aspects. It is mainly an information gathering forum, open to all interested stakeholders, allowing them to share any positions and expertise that they might have. It feeds the work of the Motor Vehicles Working Group (MVWG) and the Technical Committee on Motor Vehicles (TCMV), for which minutes are always prepared, and in the case of the MVWG, publicly available (for the TCMV meetings a summary record is published in the Comitology Register).

The meeting documents, including invitations, agendas, presentations and various supporting documents are published in a public CIRCABC group. This makes it possible to follow the work of the group and the issues discussed at each meeting. Against this background, the Commission did not see added value in producing minutes of the meetings.

Thus, no documents were found that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, the Commission is not in a position to handle your request for these particular documents.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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 5/282
B-1049 Bruxelles

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

4. OTHER DOCUMENTS AVAILABLE

While no list of participants or minutes have been identified for the meeting of 31 January 2011, we have identified the invitation which was sent in connection of this meeting by e-mail on 19 January 2011. We are providing you with a copy of this e-mail as it provides information on the entities which were invited to the meeting.

5. PROTECTION OF PERSONAL DATA

The document being released contains 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 data¹.

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 that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the document 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.

¹ Official Journal L 8 of 12.1.2001, p. 1

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.

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B-1049 Bruxelles

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Yours sincerely,



Lowri Evans

Annexes: Kick-off workshop on real driving emissions of light duty vehicles -
Invitation sent on 19.01.2011