



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate I. Legal, institutional and procedural matters

I.3. Enforcement of legislation, Relations with the European Ombudsman and Access to documents

Brussels,
I.3/KVK/RW D(2017) 2989909

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By registered letter with acknowledgment of receipt

Advance copy by email:

ask+request-4150-d230c31f@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/2149

Dear Sir,

We refer to your e-mail dated 04/04/2017 in which you make a request for access to documents, registered on 6/04/2017 under reference number GestDem 2017/2149.

You request access to the following documents, dating between July 30th 2010 and October 17th 2012:

1. *Communication in the form of documents (agendas, meetings, minutes of meetings, lists of participants, etc.) between DG AGRI and interest groups, as defined in the Transparency Register, regarding biofuels in relation to Directive 2015/1513.*
2. *Communication in the form of e-mail exchanges between Commissioner Dacian CIOLOS and his cabinet and interest groups, as defined in the Transparency Register, regarding biofuels in relation to Directive 2015/1513.*

We identified 41 documents related to your request, specified in three lists attached. Letters to other Commissioners, the Secretary General as well as the President of the European Commission have also been included, in case DG AGRI/Commissioner Ciolos has been in copy. We enclose a copy of the respective documents which we hope will meet your needs.

Parts of these documents have already been disclosed in the past, but due to new provisions as to the protection of personal data, additional personal data of the third parties documents have been expunged.

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 9(1) of this Regulation and unless the conditions of Article 9(6) of the Regulation are met, personal data shall only be transferred to recipients, other than Community institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

We consider that, with the information available, the fulfilment of these conditions has not been established. 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 5/282
B-1049 Bruxelles

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

Additionally to the documents listed and sent, we include two links to publicly available proceedings of two expert workshops, the 'Commodity Market Development in Europe – Outlook', held in November 2010 and October 2011. At these expert workshops, the DG AGRI biofuels baseline for the Impact Assessments for Directive 2015/1513 has been discussed with stakeholders. These proceedings include the agenda of the respective workshops, the main outcome and the list of participants:

- 5-6 October 2010 Outlook WS: <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/commodity-market-development-europe-outlook-proceedings-november-2010-workshop>

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.

- 25-26 October 2011 Outlook WS: <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/commodity-market-development-europe-outlook-proceedings-october-2011-workshop>

Yours sincerely,

Karl VON KEMPIS

Annex: 3 lists of identified documents and 41 documents