



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A - International and Mainstreaming
CLIMA.A.1 - International and Inter-Institutional Relations

Brussels,

By registered letter with acknowledgment of receipt

Marco GILOTTO
Naamsestraat 40
3000 Leuven

Advance copy by email:

ask+request-4152-9f9c71dd@asktheeu.org

Subject: Your application for access to documents – GestDem 2017/2256

Dear Mr Gilotto,

We refer to your e-mails dated 4 and 10 April 2017 in which you make a request for access to documents, registered on 12 April 2017 under the above mentioned reference number.

For the timeframe between 30 July 2010 and 17 October 2012, and regarding biofuels in relation to Directive 2015/1513, you request access to

1. Communication in the form of documents (agendas, meetings, minutes of meetings, lists of participants, etc.) between DG CLIMA and interest groups.
2. Communication in the form of e-mail exchanges between Commissioner Connie HEDEGAARD and her cabinet and interest groups.

You have indicated following interest groups within the scope of your request:

FuelsEurope; ePURE; COPA-COGECA; European Biodiesel Board; APPA Biocarburantes; Fediol; Cogen Europe; COCERAL; Finnish Petroleum and Biofuels Association; Irish Bioenergy Association; Dutch association of biodiesel producers; Svebio – Swedish Bioenergy Association; Norwegian Bioenergy Association; Abengoa; Neste; Novozymes; UPM; Repsol; M&G Chemtex; Fortum; BP Biofuels; Saipol; Ethanol Europe Renewables Ltd; Birdlife; Greenpeace; European Federation for Transport & Environment; OXFAM; Friends of the Earth Europe; World Wildlife Fund.

My service as well as the Historical Archives of the European Commission have carried out extensive searches. Based solely on the time period and the names of the stakeholders you are interested in, a large number of documents potentially subject to your request were found.

In order to identify those documents that correspond to the subject matter of your request among this search result, an individual assessment of each document would have been required, binding staff for considerable time.

My service has therefore requested your cooperation in narrowing down the scope of your request in order to reach a more manageable number of documents for individual assessment. By email of 30 May 2017, you have indicated that you agree to reducing the number of stakeholders to the following:

FuelsEurope, Finnish Petroleum and Biofuels Association, BP Biofuels, Shell, Neste, Transport and Environment, and the European Biodiesel Board.

You have included the company Shell which was not in your initial list of stakeholders. Please note that Shell has not been considered in the initial search result, and is therefore also not be subject to this access request.

Taking account of the aforementioned parameters your application concerns the following documents:

reference	date	sender
Ares(2010)781225	29/10/2010	NESTE
Ares(2012)528459	30/3/2012	Commission
Ares(2012)528369	27/4/2012	NESTE

These documents contain personal data, in particular names, direct email addresses, phone numbers and office addresses.

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

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.

concerned. 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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elina Bardram', with a stylized, flowing script.

Elina BARDRAM

Encl.