



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate B - Circular Economy & Green Growth  
**ENV.B.3 - Waste Management & Secondary Materials**

Brussels,  
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Mr Francis CARRIÈRE  
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**Subject: Your application for access to documents - GestDem No 2017/3603**

Dear Mr Carrière,

I refer to your e-mail of 21 September in which you agreed to a fair solution in the meaning of meaning of Article 6(3) of Regulation 1049/2001 and I thank you for limiting the scope of your request both in terms of timeframe as well in terms of authors/subject of the documents as follows:

- the time period is defined as the period from January 2015 (instead of 2013) and June 2017
- the persons/organisation are now limited to the Coca-Cola Company, Coca Cola European Partners and Burson-Marsteller

Please note that Burson-Marsteller was not part of your initial request and therefore we had not yet carried out full searches throughout the entire DG Environment on the existence of documents relating to this firm.

I can confirm that the units of Directorate B – Circular Economy & Green growth, have not had any contacts, meetings or correspondence with Burson-Marsteller during the period from January 2015 and June 2017 and that this Directorate has no relevant documents in its possession.

Please note that other units of DG Environment are currently carrying out searches in order to establish whether these have relevant documents in their possession and we will reply on these documents as soon as possible.

The current reply covers therefore:

- A. the following topics:
1. Circular Economy
  2. Packaging and Packaging Waste
  3. Waste Policy
  4. Plastic Waste

- B. the following types of documents:
1. all correspondence (including emails),
  2. the list of meetings with detailed minutes and any other reports of such meetings
- C. between DG Environment and officials and representatives of:
1. Coca-Cola Company
  2. Coca Cola European Partners (CCEP)
- D. between January 2015 and June 2017

We have identified a number of documents originating from Coca-Cola and pursuant to Article 4, paragraph 4 of Regulation 1049/2001 we are in the process of consulting Coca-Cola with a view to assessing whether an exception in paragraph 1 or 2 is applicable. We await the outcome of this consultation and will get back to you on these documents as soon as we will have the outcome of this consultation process.

We have identified the following documents originating from DG Environment that fall within the scope of the request:

- briefing of 16/06/2015: Internal document established by DG Environment services in preparation of meeting with Coca-Cola on 16/06/2015
- e-mail of 16/11/2016 from DG Environment to Coca-cola on possible dates for meeting
- e-mail of 18/11/2016 from DG Environment to Coca-cola confirming date of meeting

Please know that these documents 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>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</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 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. Only where personal data are included in documents that are already available to the public

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

<sup>2</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.

as a result of publication on the Internet, such as the press releases included in the briefing, these personal data are provided.

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

Yours sincerely,



Sarah NELEN  
Head of Unit

Enclosures:

- 2015 06 16 - briefing for Director General ENV for meeting with Coca-Cola
- 2016 11 16 - reply ENV to Coca cola on date meeting
- 2016 11 18 - mail ENV to Coca cola