Subject: Your application for access to documents – Ref GestDem No 2017/4131

Dear Mr Collins,

We refer to your e-mail dated 13/07/2017 in which you make a request for access to documents, registered on 17/07/2017 under the above mentioned reference number.

You requested access to

1) All correspondence, including emails, since 12/07/2016, between the Commissioner for Internal Market, Industry, Entrepreneurship and SMEs, her cabinet, her officials, any other representatives of DG Mobility and Transport, and representatives from Fuels Europe.

2) List of meetings, including the meeting’s minutes, since 12/07/2016, between officials and representatives of DG Mobility and Transport and representatives from Fuels Europe.

3) All documentation relating to the meeting between Fuels Europe and Director-General Henrik Hololei, on 12/09/2016 and 23/05/2017, including all email correspondence, attendance lists, agendas, background papers, and minutes/notes.

Regarding the first point, following the clarifications you sent on 01/08/2017, indicating that you are referring to the correspondence between Commissioner Violeta BULC, her cabinet, her officials, any other representatives of DG Mobility and Transport, and representatives from Fuels Europe, I regret to inform you that no documents were found that would correspond to the description given in your application.
Indeed, as specified in Article 2(3) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents\(^1\), 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 as regards the first point of your request.

With regard to your second point, I am pleased to inform you that we have identified the documents requested as exchange of e-mails between DG MOVE and Fuels Europe, which refer to the participation of Ms Maja BAKRAN, Deputy Director General for Mobility and Transport, as speaker in the 2017 Fuels Europe annual conference. I enclose with this letter these e-mails and the presentation.

I would further like to inform you that following the consultation with Fuels Europe with regard to the documents originating from them, we have received the agreement to disclose these documents. Please note however, that some of the documents 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 data\(^2\).

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable\(^3\).

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. Therefore, we are disclosing the documents requested with the personal data redacted.

Additionally, I would like to recall that 7 documents falling under your request with regard to points 2 and 3 have already been sent to you on 06/08/2017 ref. Ares (2017)4415385.

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.

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\(^1\) OJ L 145, 31.05.2001, p. 43.
\(^3\) 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.
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,

Henrik Hololei

Enclosures: 5 e-mails concerning the meeting between Mr Henrik Hololei and Fuels Europe's representatives and the participation of Ms Bakran in the 2017 Fuels Europe annual conference

Presentation from Fuels Europe provided in the meeting of 23/05/2017