



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

The Director General

Brussels,
JUST/E3/JT/gd

By registered letter with acknowledgment of receipt

Address
Peter Teffer
EUobserver
Rue Montoyer 18B
1000 Brussels
Belgium

Advance copy by email :

XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXX.XXX

Subject: Your application for access to documents – Ref GestDem No 2017/6003

Dear Mr Teffer,

We refer to your email dated 13/10/2017 in which you make a request for access to documents, registered on 17/10/2017 under the above mentioned reference number.

You request access to the reply of Volkswagen to the joint letter sent by the European Commission and the EU national consumer authorities to the CEO of Volkswagen.

Your application concerns the following document: the Letter dated 9/10/2017, of Dr. Thomas Steg, General Representative Head of Public Affairs and Sustainability of Volkswagen, Ref. ARES(2017)5487916), replying to the Common Position, Ref. ARES(2017)4350353, (agreed by national authorities of the Consumer Protection Cooperation (CPC) network, under the leadership of the Netherlands Authority for Consumers and Markets (ACM)), dated 06/09/2017, co-signed by Ms Tiina Astola (Director General of the Directorate General for Justice and Consumers, European Commission) and Ms Bernadette Van Buchem (Director Consumers, Netherlands Authority for Consumers and Markets), and sent to Mr Matthias Muller (Chairman of the Board of the Volkswagen company).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as the disclosure is prevented by the exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain contain the explanations of Volkswagen to a number of concerns of the national consumer authorities, enforcing the EU consumer legislation under the Consumer Protection Cooperation (CPC) Regulation¹, regarding the repair and the guarantee of the Volkswagen group's diesel cars affected by a non-authorised emission management defeat software. This reply is part of ongoing investigations by national consumer protection authorities regarding a possible infringement of EU consumer law.

We have considered whether partial access could be granted to the documents requested. However, the confidentiality of the current national investigations does not allow such a disclosure. The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have duly examined, in accordance with Regulation 1049/2001, whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

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 Brussels

or by email to: xxxxxxxxxx@xx.xxxxxx.xx

Yours sincerely,

(eSigned)

Tiina ASTOLA

¹ Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)