



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

CLIMATE ACTION

Directorate A - International, Mainstreaming & Policy Coordination

CLIMA.A.1 - International and Inter-Institutional Relations

Brussels,

By registered letter with acknowledgment of receipt

Peter TEFFER
EUobserver
Rue Montoyer 18B
1000 Brussels

Advance copy by email:

ask+request-4714-e4ccb356@asktheeu.org

Subject: Your application for access to documents - GestDem 2017/5984

Dear Mr Teffer,

We refer to your request for access to documents dated 13 October 2017, registered on 16 October 2017 under the above mentioned reference number.

You request access to '*All documents about the EU-China Near Zero Emissions Coal Plant initiative produced by the European Commission after the 25 June 2009 communication (284 final)*'.

NZEC is a long-standing cooperation between the EU and China on promoting the positive climate change mitigation effects of Carbon Capture and Storage (CCS).

Your application concerns documents as included in Annex I.

These documents are exchanges between the Commission and different actors involved in the project. They do not reflect the position of the Commission, they cannot be quoted as reflecting the Commission's position and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission. Those parts of these documents that have not been produced by the Commission have been redacted as they are not within the scope of your application.

These documents also contain personal data, in particular: names, office addresses, direct phone numbers and email addresses, and biometric data (signatures).

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 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,



Elina BARDRAM

Encl.

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.