



Brussels, 1.06.2018
SG.D2 OG/isk

Ms Pia Eberhardt
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1050 Brussels

Reply request to:
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95ebdd30@asktheeu.org](mailto:ask+request-5319-95ebdd30@asktheeu.org)

Subject: Your application for access to documents: Ref. GestDem N° 2018/1904

Dear Ms Eberhardt,

Thank you for your email dated 2 May 2018 in which you clarify your request for access to documents, registered under GestDem N° 2018/1904.

1. SCOPE OF YOUR REQUEST

The scope of your initial request was as follows:

"[...] – all reports (and other notes) from meetings between Martin Selmayr (now Secretary General, before Head of Cabinet of Commission President Jean-Claude Juncker) and representatives of the car industry (so representatives of individual companies and car industry federations), since 1 January 2017;

– all correspondence (including emails) between Martin Selmayr and representatives of the car industry since 1 January 2017;

– all reports (and other notes) from meetings between Martin Selmayr and the German Ministry of Transport and Digital Infrastructure (including its former Minister, Alexander Dobrindt), since 1 January 2017;

– all correspondence (including emails) between Martin Selmayr and the German Ministry of Transport and Digital Infrastructure (including its former Minister, Alexander Dobrindt), since 1 January 2017. [...]"

Your email dated 2 May provided the following clarifications:

"[...] Allow me to specify the term "representatives of the car industry (so representatives of individual companies and car industry federations)". With this I mean representatives of car companies such as Volkswagen, Daimler, BMW, Ford, Volvo and Toyota and industry associations such as the German Association of the Automotive Industry (Verband der Automobilindustrie - VDA) and the European Automobile Manufacturers Association (ACEA).

Allow me also to further specify the subject matter of the meetings and correspondence to the Dieselgate/ emission cheating software affair, CO2 targets for cars, and EU air quality standards.

The timeframe I have mentioned in my request remains the same: 1 January 2017 until the date of my request. [...]"

2. DISCLOSURE OF DOCUMENTS

After conducting the search, the following documents have been identified as falling within the scope of your request (see table below). You are receiving a partial access to these documents, where personal data have been removed.

	Registration N°.	Registration Date	Subject/Title
1.	Ares(2017)5059956	17/10/2017	Letter from the Fair Standards Alliance (FSA) calling the EC to reject principles that hinder EU innovation when issuing the guidelines on the licensing of Standard Essential Patents before the end of 2017. <i>Also available online:</i> https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2017/10/16th-Oct-2017-Letter-from-the-Fair-Standards-Alliance.pdf
2.	Ares(2018)838716	13/02/2018	R/ Letter from the Fair Standards Alliance (FSA) calling the EC to reject principles that hinder EU innovation when issuing the guidelines on the licensing of Standard Essential Patents
3.	Ares(2018)953452	19/02/2018	Joint Industry letter: Proposal for an amended Waste Directive 2008/98/EC: Proposal for a new European Chemicals Agency database (draft articles 9.1 and 9.1.a) <i>Annex also available online:</i> https://www.ert.eu/members
4.	Ares(2017)4245712	30/08/2017	INVITATION [27/05/2018] to EC President JC Juncker to attend a formal dinner organized by European Round Table of Industrialists during their Plenary Session - Brussels – BE
5.	Ares(2017)4503091	15/09/2017	R/INVITATION [27/05/2018] to EC President JC Juncker to attend a formal dinner organized by European Round Table of Industrialists during their Plenary Session - Brussels - BE
6.	Ares(2017)1357230	15/03/2017	Invitation of 05-06 04 2017 from the Association of the Automotive Sector to President Juncker and Mr Selmayr: VDA's 19th Technical Congress in DE Berlin

7.	Ares(2017)1617052	27/03/2017	R/ Invitation of 05-06 04 2017 from the Association of the Automotive Sector to President Juncker and Mr Selmayr: VDA's 19th Technical Congress in DE Berlin
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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.

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

On the basis of the information available, we consider that 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 such personal data.

If you wish to receive such personal data, we invite you to provide us with arguments showing the need for having such personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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 faithfully,



Marcel Haag