



EUROPEAN COMMISSION

Brussels, 6.8.2018  
C(2018) 5447 final

Mr Peter TEFFER  
EU Observer  
Rue Montoyer 18B  
1000 Brussels

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE  
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under Regulation  
(EC) No 1049/2001 - GESTDEM 2018/2670**

Dear Mr Teffer,

I am writing in reference to your email of 6 July 2018, registered on 10 July 2018, by which you lodge a confirmatory application in accordance with Article 7(2) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter ‘Regulation 1049/2001’).

**1. SCOPE OF YOUR APPLICATION**

In your initial application of 9 May 2018, addressed to the Directorate-General for Climate Action and registered under reference number GESTDEM 2018/2670, you requested access to:

- ‘all documents related to the 19/2/2018 meeting(s) between [C]ommissioner Miguel Arias Cañete and DAF Trucks N.V. (DAF); Association des Constructeurs Européens d'Automobiles (ACEA); Daimler Aktiengesellschaft (DAI); MAN Diesel & Turbo, branch of MAN Diesel & Turbo SE, Germany (MDT); Volvo Car Corporation AB (Volvo Cars); Scania AB (publ) (Scania); ASOCIACIÓN ESPAÑOLA DE FABRICANTES DE AUTOMÓVILES Y CAMIONES (ANFAC), including but not limited to minutes, verbatim reports, e-mails, and presentations;

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<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L145, 31.05.2001 p.43

- all documents related to the 1/2/2018 meeting between [C]ommissioner Miguel Arias Cañete and Latham & Watkins LLP, including but not limited to minutes, verbatim reports, e-mails, and presentations;
- all documents related to the 30/1/2018 meeting between [C]ommissioner Miguel Arias Cañete and SUEZ Group, including but not limited to minutes, verbatim reports, e-mails, and presentations;
- all documents related to the 30/1/2018 meeting(s) between [C]ommissioner Miguel Arias Cañete and Enagás S.A.; Fluxys SA; Snam S.p.A. (Snam S.p.A.), including but not limited to minutes, verbatim reports, e-mails, and presentations;
- all documents related to the 10/1/2018 meeting between [C]ommissioner Miguel Arias Cañete and Asociación Española de fabricantes de Equipos y Componentes para Automoción (SERNAUTO), including but not limited to minutes, verbatim reports, e-mails, and presentations;
- all documents related to the 9/11/2017 meeting between [C]ommissioner Miguel Arias Cañete and Statoil, including but not limited to minutes, verbatim reports, e-mails, and presentations;

[and]

- all documents related to the 2/10/2017 meeting between [C]ommissioner Miguel Arias Cañete and Peugeot S.A., including but not limited to minutes, verbatim reports, e-mails, and presentations.’

Through its initial reply dated 27 June 2018, the Directorate-General for Climate Action informed you that it had identified five documents as falling within the scope of your request. These documents relate to correspondence between Commissioner Cañete and interest representatives referred to in your initial request.

The Directorate-General for Climate Action granted wide partial access to these documents, subject to the sole redaction of personal data pursuant to Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation 1049/2001.

In your confirmatory application you question the absence of further documents, in particular with regard to ‘minutes or other records made at any of the seven meetings’.

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Secretariat-General conducts a fresh review of the reply given at the initial stage.

Against this background, the European Commission has carried out a renewed, thorough search for documents that would fall under the scope of your confirmatory application as described above.

Following this renewed search, I confirm that the European Commission does not hold any further documents that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



*For the European Commission*  
*Martin SELMAYR*  
*Secretary-General*