



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
CLIMATE ACTION

The Director-General

Brussels,

By registered letter with acknowledgment of receipt

Neil Roberts
Bridge House, 69 London Rd,
London, UK.
TW1 3SP

Advance copy by email:
ask+request-5757-0adf5f2f@asktheeu.org

Subject: Your application for access to documents - GestDem 2018/4001

Dear Mr. Roberts,

I refer to your email dated 23 July 2018 through which you make a request for access to documents, registered on the same day under the above mentioned reference number.

You request access to the European Commission's technical analysis on amendments proposed to the Commission's proposals on CO₂ emissions reductions for cars and vans, including an estimate that 60,000 jobs could be threatened by a 50% CO₂ target and 50% Z/LEV benchmark.

You have requested access to a document, which is still in the preparatory phase. It contains data, including the estimate of 60,000 jobs, which are still preliminary as the technical analysis is on-going.

As a result and following an examination of 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 at the current stage of the decision-making process.

Disclosure of the documents requested would undermine the protection of the decision-making process of the Commission, as it would reveal preliminary views and assessments; the Commission's services must be free to explore all possible options and carry out technical analysis in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

The decision-making process for this proposal is composed of two consecutive stages:

1. Adoption by the Commission of the proposal and its submission to the co-legislators¹;

¹ European Parliament and Council

2. Inter-institutional decision-making process aiming at the actual adoption of the proposal by the co-legislators.

The proposal was adopted by the Commission in November 2017² and it is currently being negotiated between the institutions. The discussion in the Working Party on Environment started in December 2017 and the EU Environment ministers held a policy debate on the 25th June 2018³. On the European Parliament side, the ENVI Committee draft report was presented by the rapporteur MEP Dalli (S&D / MT) on 16 April 2018⁴. The draft report includes in particular amendments to raise the level of ambition.

I have considered whether partial access could be granted to the documents requested. The remaining parts after expunging the confidential information would be meaningless.

The exception laid down in Article 4(3), first subparagraph, of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure. I consider that in this case there is no overriding public interest that would outweigh the interest in safeguarding the protection of the decision-making process provided for by Article 4(3), first subparagraph of Regulation 1049/2001. 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 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Mauro PETRICCIONE

² COM/2017/676

³ Outcome of the Council Meeting: 3627th Council meeting, Environment, 25 June 2018,

⁴ European Parliament, ENVI Committee, 2017/0293(COD)