



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

The Director-General

Brussels,

By registered letter with acknowledgment of receipt

Peter Teffer
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Advance copy by email:

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Subject: Your application for access to documents – Ref GestDem No 2018/4767

Dear Sir,

We refer to your application dated 26/09/2018 in which you make a request for access to documents, registered on 28/09/2018 under the above-mentioned reference number.

You request access to “all documents, including but not limited to emails, instructions, and drafts, related to the Non-paper on Cars/Vans CO2 Regulation proposal: Additional assessment of higher ambition levels for the targets and ZLEV benchmarks”.

Your application concerns the following documents:

	Reference	Date	Author
1	SC68_V-25-MNM-L3_50.xls	Excel	External contractor
2	SC71_V-25-MNM-L3_50_HiEV.xls	Excel	External contractor
3	SC72c_V-25-MNM-L5_30.xls	Excel	External contractor
4	SC70_V-25-MNM-L3_75.xls	Excel	External contractor
5	SC75_V-25-MNM-L3_40.xls	Excel	External contractor
6	Copy of E3ME results sc68_sc32_sc70_sc72 (battery cells imported).xls	Excel	External contractor
7	Copy of E3ME results sc68_sc32_sc70_sc72 (battery cells imported).xls	Excel	External contractor
8	180914_PayBack Analysis Aggregate_Summary_v51	Excel	European Commission
9	SP (2018) 571/2	Word	European

			Commission
10	SP (2018) 571/1	Word	European Commission
11	SP (2018) 571/1 (Annex)	Word	European Commission
12	clima.a.1(2018)6260084	Email	European Commission
13	clima.a.1(2018)6260569	Email	European Commission
14	clima.a.1(2018)6370765	Email	European Commission
15	clima.a.1(2018)6370943	Email	European Commission
16	clima.a.1(2018)6370971	Email	European Commission

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 disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Disclosure of the documents requested would undermine the protection of the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options 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 documents 1-8 that you seek to obtain relate to an internal decision of the Commission on ongoing contractual arrangements with third parties. The disclosure of the documents could undermine the specific confidentiality clauses and the capacity of the Commission to take the final decision regarding the abovementioned contractual arrangements.

The documents 9-16 relate to the internal consultations of the Commission during the conception phase of the aforementioned paper, which must be understood as part of the ongoing decision making on a legislative proposal that has not yet been adopted by the co-legislator. The disclosure of these documents would undermine the protection of the decision-making process, as they would reveal preliminary, internal views and policy options under consideration.

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

¹ European Parliament and Council

The Commission must protect its power of initiative and be able to continue to explore, in the framework of the ongoing inter-institutional decision-making process, all possible policy options free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to these documents.

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.

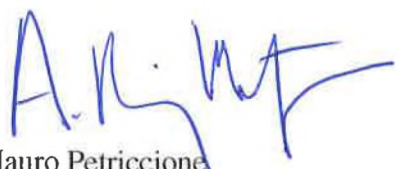
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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,

p.o. 
Mauro Petriccione
Director-General