



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

The Director-General

Brussels  
GROB.B.1/PW

Ms Belen Balanya  
Rue d'Edimbourg 26  
1050 Brussels

[ask+request-9443-e978c29d@asktheeu.org](mailto:ask+request-9443-e978c29d@asktheeu.org)

Dear Ms Balanya

**Subject: Your application for access to documents – GESTDEM 2021/3021**

We refer to your e-mail of 6 May 2021 in which you make a request for access to documents, registered on 7 May 2021 under the above-mentioned reference number.

### 1. SCOPE OF YOUR REQUEST

You request access to:

*All correspondence (including email) between 1st January 2021 and 6th May 2021 between Commissioner Simson, Commissioner Timmermans, Commissioner Breton, President van der Leyen, Commissioner Dombrovskis, and/or their cabinets and/or officials from DG Energy, DG Clima, DG Grow, DG Trade and Secretariat General on one hand and stakeholders on the other, where the issue of the carbon border adjustment mechanism is addressed.*

*List of meetings/videocalls/calls between 1st December 2020 and 6th May 2021 between officials and/or representatives of the European Commission and stakeholders where the issue of the carbon border adjustment mechanism is addressed.*

I consider your request to cover documents held up to the date of your initial application, i.e. 6 May 2021.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to

other Directorates-General<sup>1</sup>. This reply relates only to the documents held by the Directorate-General for Internal Market, Industry and Entrepreneurship. You will receive the replies from the other respective Directorates-General.

## **2. DISCLOSURE OF THE DOCUMENTS**

The following documents have been identified as falling within the scope of your request:

1. *Meeting request on EU Green Deal and Carbon Border Adjustment Mechanism* [Ares\(2021\)2016421](#)
2. *Meeting with Fertilizers Europe 04/02/2021* [Ares\(2021\)988356](#)
3. *Meeting with Joan Canton, Commissioner Breton Cabinet* [Ares\(2021\)988356](#)

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed

With regard to the 3 documents, their complete disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001 concerning the protection of privacy and the integrity of the individuals.

In addition, a complete disclosure of document 3 is also prevented by the exception provided for in Article 4(2) of Regulation (EC) No 1049/2001 as the document contains sensitive business information of the company that submitted it.

## **3. PROTECTION OF PERSONAL DATA**

With regard to the above mentioned documents, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not

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<sup>1</sup> DG ENERGY, DG CLIMA, DG TRADE, SECRETARIAT GENERAL

been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

#### **4. PROTECTION OF COMMERCIAL INTEREST OF A LEGAL PERSON**

Following an examination of the document no. 3 and taking into account the opinion of the third party from which the document originates, I regret to inform you that your application cannot be fully granted.

Part of the information contained in the document constitute commercial confidential information the disclosure of which would affect the company's competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest in disclosure of the document. I have examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the document/documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

#### **5. MEANS OF REDRESS**

In accordance with Article 7(2) of Regulation (EC) No 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  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Sincerely yours,

(Electronically signed)

**Kerstin Jorna**  
Director-General