



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels

CLIMA.DG

Mark Scott
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1040 Bruxelles
Belgium

Advance copy by email: ask+request-
10285-9d37e0a6@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2021/7477

Dear Mr Scott,

We refer to your e-mail dated 29 November 2021 in which you make a request for access to documents, registered on 30 November 2021 under the above-mentioned reference number.

Your requested access to *“All communication related to the developments connected to the EU-US Trade and Tech Council, including emails and other communication with the US Commerce Department, State Department, United States Trade Representative and White House (National Security Council) between June, 2021 and November 2021”*.

Your applications for access to documents covers topics falling under the responsibility of different Commission services. In that regard, your request was split into separate requests, whereby each part is attributed to the respective Commission service under a separate Gestdem reference number. Each service provides its own, separate reply, which relates only to the documents originating or received by that service. In this regard, this request corresponds to the documents held by the Directorate General for Climate Action.

DG CLIMA has identified one document that falls under the scope of the request. The document is registered under reference Ares(2021)7690044.

Having examined the document 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 an exception to the right of access laid down in Article 4 of this Regulation.

The document which you seek to obtain relates to the EU-US Trade and Technology Council. Since there are ongoing negotiations between the EU and the US in this context, there is a concrete risk that the public disclosure of this document would not only have a negative effect on the negotiating capacity of the EU but also affect the mutual trust between the EU and the US and thus undermine their relations. Such risk is serious and non-hypothetical. Therefore, the disclosure of this document would seriously undermine the public interest as regards international relations.

Furthermore, the document contains the names and contact information of Commission staff members not pertaining to the senior management; the names and contact details of other natural persons and other information relating to an identified or identifiable natural persons. The disclosure 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.

Article 9(1)(b) of the Data Protection Regulation does not allow for 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.

Therefore, the disclosure of the document which you seek to obtain is prevented by the exceptions concerning the protection of public interest as regards international relations and the privacy and the integrity of the individual as laid down in Article 4(1)(a) third indent and Article 4(1)(b) of Regulation (EC) No 1049/2001.

I have examined whether partial access could be granted to the documents. However, for the reasons explained above, no meaningful partial access is possible without undermining the interests described above. Partial access to the requested documents would result in documents which would be either meaningless or else give rise to misinterpretations, confusion and undue speculations.

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 Secretariat-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 Bruxelles

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

Yours sincerely,

(e-signed)

Mauro PETRICCIONE