



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL  
TAXATION AND CUSTOMS UNION  
International and General Affairs

**Inter-institutional relations, coordination, communication and strategic planning**

Brussels,

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(via e-mail mail)

Dear Madam,

**Subject: Your application for access to documents – Ref GestDem No 2021/7755**

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

You request access to:

*“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meetings listed below:*

- 1. Between CEMBUREAU and Gerassimos Thomas, DirectorGeneral on the 23rd July 2021*
- 2. Between CEMBUREAU and Gerassimos Thomas, DirectorGeneral on the 15th June 2021*
- 3. Between CEMBUREAU and Gerassimos Thomas, DirectorGeneral on the 23rd February 2021”*

Following your request, we have identified following documents:

- “1) E-mail correspondence between CEMBUREAU and the Commission dated 2 February 2021;*
- 2) Meeting report - Meeting between CEMBUREAU and DG TAXUD – 23 February 2021;*
- 3a) E-mail CEMBUREAU, The European Cement Association / Follow up from our discussion on CBAM dated 4 June 2021;*
- 3b) annex to e-mail - legal opinion WTO compatibility of a Carbon Border Adjustment Mechanism (CBAM) in combination with Free Allowances under the EU Emissions Trading System;*

- 4) *Meeting report - Meeting between CEMBUREAU and DG TAXUD – 15 June 2021;*
- 5) *E-mail CBAM - Follow-up meeting CEMBUREAU dated 13 July 2021;*
- 6) *Meeting report - Meeting between CEMBUREAU and DG TAXUD – 23 July 2021”.*

The object of these meetings was to exchange views with The European Cement Association (CEMBUREAU) relating a possible future carbon border adjustment mechanism.

Your application has been dealt with in accordance with Regulation 1049/2001 on public access to Commission documents.

#### *Documents 1, 3a, 3b and 5*

These are documents of CEMBUREAU. In accordance with Article 4(4) of the Regulation, the third party (CEMBUREAU) was consulted as concerns the documents originating from them. In particular, they have been consulted because personal data of their representatives and staff is mentioned in the documents. They agree with the disclosure of the e-mails and annex sent.

Following from Regulation (EC) No 1049/2001 and based on the consultation with the third party, we have considered that documents the can be disclosed. Some references to personal data have been redacted (see below under Personal data).

#### *Document 2, 4 and 6*

Having examined the requested documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, these documents can be disclosed (expunged from personal data).

These documents are the meeting reports, which can be disclosed. Please be informed that no briefing was prepared for these meetings.

#### ***Personal data***

The documents to which you have requested access contain personal data (signatures, names Commission and third party officials, office data).

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/1725. Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

### ***Disclaimer***

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.

In view of the nature of documents 2,4 and 6, we would like to stress that Commission officials draft minutes for internal use and are usually of value only for a limited time. They solely reflect the service's interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

### ***Confirmatory application***

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)

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Yours sincerely,

Emer Traynor  
Head of Unit

Annexes: as stated above