



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

The Director-General

Brussels
CLIMA/A1

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Subject: Your application for access to documents – Ref GestDem No 2022/1925

Dear Ms Castro,

We refer to your e-mail dated 31 March 2022 in which you make a request for access to documents, registered on 1 April 2022 under the above-mentioned reference number.

You requested access to: *“All correspondence, including emails, meeting notes and other related documents sent and received since 01/01/2020, between the Commissioner for Climate Action, his cabinet, his officials, and any other representatives of DG CLIMA, and representatives from JAMA - Japan Automobile Manufacturers Association”*.

DG CLIMA has identified several documents that fall under scope of the request, the list of identified documents is annexed to this letter.

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents¹ and taking into account the opinion of the third parties, I regret to inform you that a complete disclosure cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

A complete disclosure of the 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: names and contact information of

¹ *OJ L 145, 31.5.2001, p. 43*

Commission staff members not pertaining to the senior management; names and contact details of other natural persons and other information relating to an identified or identifiable natural person.

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 identified documents, as the need to obtain access thereto for a purpose in the public interest has not 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.

As regards document 7, the document relates to an eco-innovation application submitted by a manufacturer to the European Commission pursuant to Article 11 of Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles². The disclosure of the information contained in such application could damage the commercial interests of the author of the document. In particular, this application includes a verification report by an independent and certified body, which contains sensitive information concerning specific vehicle or system specifications. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

As regards documents 9 and 16, the author of the documents has been consulted pursuant to Article 4(4) of Regulation (EC) No 1049/2001. During the course of the consultation, the author has objected to disclosure of the documents as it considers that they “contain information on [an] outsourced company and the detail of the outsourcing” and considers that [they] should be protected by Article 4(2) of Regulation (EC) No 1049/2001 concerning the protection of commercial interests of a natural or legal person. Taking into account the views provided by the third party, I regret to inform you that documents 9 and 16 cannot be granted.

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

² OJ L 111 25.4.2019, p. 13

Yours sincerely,

(e-signed)

Mauro PETRICCIONE