



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels
CLIMA

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Subject: Your application for access to documents – EASE 2023/1183

Dear Mr Youriev,

We refer to your request for access to European Commission documents registered on 22 February 2023 under the above-mentioned reference number.

In your application, you requested access to

“All correspondence and communications, including emails & meeting notes, sent and received since 01/01/2020 that included the terms "contrails" or "sulphur" or "aromatics" or "aromatic" or "non-CO2" or "non CO2" or "Social costs and benefits of advanced aviation fuels", between the Commissioner for Climate Action, DG Clima's Executive Vice-President, Director General or Executive Director-General, and their cabinet, officials, and any other representatives of DG CLIMA with representatives from DG MOVE, including the DG MOVE Commissioner, DG MOVE Director-General, and DG MOVE deputy director general, and their cabinet and officials.”

Your application concerns the following documents:

- *Inter-service consultation on Analysis of aviation's non-CO2 effect*; registered on 02/09/2020; Reference Ares(2020)4563884, which includes the following annexes:
 - *Cover note for Staff Working Document – Updated analysis of the non-CO2 climate impacts of aviation and potential policy measures*

- pursuant to EU Emissions Trading System Directive Article 30(4); (Document 1);*
- *Staff Working Document – Updated analysis of the non-CO2 climate impacts of aviation and potential policy measures pursuant to EU Emissions Trading System Directive Article 30(4); (Document 1.1);*
 - *Final Report: Updated analysis of the non-CO2 climate impacts of aviation and potential policy measures pursuant to EU Emissions Trading System Directive Article 30(4); (Document 1.2).*
- *Non-CO2 impacts of aviation – progress of DG MOVE; registered on 20/10/2022; reference Ares(2022)7272349 (Document 2)*
 - *Reply to Consultation - Assignment - Deadline 18/05/2022 - ISC/2022/04228 (MOVE D2 3844223) - DG MOVE - MEPC 78 - non paper; 18/05/2022; reference Ares(2022)3764899 (Document 3)*
 - *Reply to Consultation - OMI - Deadline 17/11/2022 - ISC/2022/11191 (MOVE D2 8608615) - DG MOVE - NON PAPER IMO MEPC ISWG 13; 18/11/2022; reference Ares(2022)7988574 (Document 4)*
 - *Answer to Consultation - OMI - Assignment - Deadline 09/03/2022 - ISC/2022/01840 (MOVE D2 1717238) - DG MOVE - SWD - ISWG GHG 12 - GHG Fuel Standards; 09/03/2022; reference Ares(2022)1832758 (Document 5)*
 - *Answer to Consultation - OMI - ISC202202109 (MOVE D2 - 1945172) - DG MOVE – IMO ISWG GHG 12 initial Impact Assessment GHG Fuel Standard; 21/03/2022; reference Ares(2022)2047761 (Document 6)*

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 completely granted, as disclosure of some of the requested documents is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Please find the detailed reasons for the refusal below.

With regard to the documents 1 and 2 listed above, 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 names/initials and contact information of Commission staff members not pertaining to the senior management.

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 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.

Concerning documents 1.1 and 1.2, I enclose here the links to the requested documents, respectively:

- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2020:277:FIN>
- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:747:FIN>

Concerning documents 3 and 4, the total disclosure of the documents would undermine the protection of international relations, protected by Article 4(1)a of Regulation 1049/2001 and the decision-making process of the Commission, as protected by Article 4(3) first and second paragraph of Regulation 1049/2001.

The redacted parts of the Document 3 and Document 4 include specific information which serve as basis for current and future negotiations with third countries. The disclosure of this information at this moment in time could have negative repercussions for the negotiations with the third countries concerned, as it could limit the possibilities to come to a final agreement that preserves the EU interest. As the negotiations with the third countries are ongoing, the disclosure of the information in the document requested at this moment in time may therefore undermine the protection of the public interest as regards international relations.

In order for the Commission to be able to carry out its tasks, there has to be a climate of mutual trust in the Commission and also in contacts with the other political partners, throughout the different stages of the procedure until the decision-making process has been definitively closed. In these circumstances, early disclosure of the documents may adversely affect the dialogue between political actors.

In the light of the above, the exception laid down in Articles 4(1)a and 4(3), first and second subparagraph of Regulation (EC) No 1049/2001 applies to documents 3 and 4.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure.

You have not put forward any arguments to demonstrate the existence of an overriding public interest in disclosure. Nor have I been able to identify any public interest capable of overriding the private interest protected by Article 4(3), first and third indent of Regulation (EC) No 1049/2001.

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 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.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

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,

Kurt Vandenberghe
Director-General

¹ <https://www.ec.europa.eu/transparency/documents-request>