



**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL**  
**ENVIRONMENT**

The Director-General

Brussels,  
ENV.A.3/NP

Ms Pauline Lietar

By e-mail: ask+request-1464-42b458f0@asktheeu.org

Dear Ms Lietar,

**Subject: Your applications for access to documents – Ref GestDem No 2014 – 3972**

I refer to your e-mail dated 09/09/2014 in which you make a request for access to documents, registered on 10/09/2014 under the above mentioned reference number and to our subsequent correspondence.

The initial deadline to respond was extended by a holding reply ref. Ares(2014)3254727 of 02/10/2014 and by agreement with you of 24/10/2014.

You will find a list of the disclosed documents in the annex to this letter. Some of the documents originate from third parties whose agreement for disclosure DG Environment has received in the meantime. However, I would like to remind you that these documents received by the Commission from third parties are disclosed for information only and cannot be re-used without the agreement of the author. They do not reflect the position of the Commission and cannot be quoted as such.

In addition, having examined the disclosed documents, I have come to the conclusion that some parts of them have to be blanked out as their disclosure is prevented by the exception to the right of access laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001, which reads that 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 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable. According to Article 8(b) of this Regulation, personal

data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

Based on 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, the requested documents are expunged from this personal data.

If you wish to receive these personal data, I invite you to provide arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles  
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

  
Karl Falkenberg

Annex: List of disclosed documents