



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

DG.001 – Administrative and Legal support, Liaison SRD

Brussels,

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United Kingdom

By registered letter with acknowledgment of receipt

Per email to: ask+request-2557-2991c58b@asktheeu.org

Subject: Your application under Regulation (EC) 1049/2001 for access to documents - GestDem 2016/0593

Dear Mr. Fagan-Watson,

I refer to your e-mail dated 2nd February 2016 in which, pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents, you initiated a request, which was registered under the reference number GestDem 2016/0593.

In your application, you had requested to be granted access to all the correspondence since 1st November 2014, between Commissioner Miguel Arias Cañete (and Commissioner his Cabinet) and the following organisations: Business Europe, CEPI, Eurelectric, Eurofer, Eurometaux, Cefic, FuelsEurope and OIGP, with regard to the COP 21 to the United Nations Framework Convention on Climate Change and the 11th session of the Meeting of the Parties to the Kyoto Protocol (CMP 11), held in Paris in 2015.

On 2nd March 2016, you had already received the first part of DG CLIMA's reply to your application and had been granted access to seven documents.

Please be informed that we have identified additional documents covered by your request (see copies attached). These are listed in the overview table you will find enclosed to this letter.

Having carefully examined your request and the documents concerned, I am pleased to inform you that full access can be granted to documents under N° 1, 2b, 3a and 3b while access to document under Nr. 2a can be granted after redaction of the personal data it contains.

Article 4(1)(b) of the Regulation No 1049/2001 provides that:

"the institutions shall refuse access to a document where 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".

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document or to a part of it has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with the EU 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². 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.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. As the third party from whom document under Nr. 2a originates opposed the disclosure of any personal data, we are disclosing the requested document expunged from the personal data it contains.

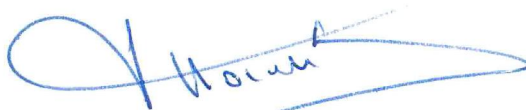
If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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

Yours sincerely,



Rudy van Horenbeek

Head of the Administrative and Legal
Support

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported