



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains

**Automotive and Mobility Industries**

Head of Unit

**11-04-2016**

Brussels,

GROW C4/SPR/cdp(2016)1785891

*By registered letter with  
acknowledgment of receipt*

Ms Ronja Heise  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
1050 Bruxelles  
Belgique

*Advance copy by email:* [ask+request-  
2623-19cbd448@asktheeu.org](mailto:ask+request-2623-19cbd448@asktheeu.org)

**Subject: Request for access to documents – GESTDEM No. 2016/900**

Dear Ms Heise,

Thank you for your e-mail dated 23 February 2016 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 23 February 2016, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

### **1. SCOPE OF YOUR REQUEST**

Your e-mail requested access to documents containing the following information:

*- all correspondence (including e-mails) between authorities of the European Member States Germany, France, Italy, Spain and Great Britain and DG GROWTH concerning the introduction of new car emission testing system (WLTP) and/or the introduction of the new real-world driving test on air pollution to be implemented with new Euro 6 vehicles (RDE);*

*- a list of all meetings between representatives of these Member States and DG GROWTH on the same issue and all notes and minutes of these meetings*

*between January 2014 and now (February 2016).*

As your request was received on 23 February 2016, the time scope of the request has been set as 01.01.2014 – 23.02.2016.

### **2. AVAILABILITY OF INFORMATION FROM OTHER SOURCES**

As background information, I would like to state that the majority of discussions with the Member States on draft legislation takes place in the context of the meetings of the Technical Committee on Motor Vehicles (TCMV) and the Working Group on Motor Vehicles (MVWG).

Information on these meetings is publicly available in the CIRCABC group "Automotive Industry Committees and Working Groups" (<https://circabc.europa.eu/w/browse/4273d650-b8a9-4093-ac03-18854fbb4b5>). As the list of these meetings is already in public domain, they are not listed in the present reply.

### **3. DESCRIPTION OF DOCUMENTS IDENTIFIED**

Regarding the part of your request which concerns a list of meetings between DG GROW and the Member States listed, we have not identified any existing documents matching the scope of your request. Thus that part of the request has been treated as an access to information request, in accordance with the Code of Good Administrative Behaviour. Please find enclosed a list of meetings with Germany, France, Italy, Spain or Great Britain in which the topic "introduction of new car emission testing system (WLTP) and/or the introduction of the new real-world driving test on air pollution to be implemented with new Euro 6 vehicles (RDE)" was at least one of the topics addressed.

No minutes of the meetings have been identified.

Regarding the part of your request which concerns correspondence between DG GROW and the Member States listed, we have identified 23 documents that match the scope of your request. The two document registers listing these documents are annexed. The first document register covers the documents provided by the Member States to the Commission in the context of the meetings of the Technical Committee – Motor Vehicles. The second document register covers other correspondence.

### **4. DISCLOSURE OF THE REQUESTED DOCUMENTS**

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All the other documents provided originate from third parties. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third parties with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the documents.

Please note that the documents received from third parties are disclosed for information only and cannot be re-used without the agreement of the originators, who hold a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Some of the documents to which you have requested access contain personal 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 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals

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<sup>1</sup> See the Decision of the Commission of 12 December 2011 (2011/833/EU), OJ L 330/39 of 14 December 2011 for details; this Decision does not apply to documents for which third parties hold the copyrights, Article 2 (2) (b).

with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>2</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>.

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. Therefore, we are disclosing the documents requested expunged from this personal data.

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 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely



Joanna Szychowska

Annexes: Document register – TCMV documents  
Document register – other correspondence  
List of meetings  
Zipped file containing 23 documents

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<sup>2</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>3</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.