



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION

DG.001 – Administrative and Legal support, Liaison SRD

Brussels, the 17<sup>th</sup> May 2016

Ms. Belen Balanya  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
1050 Brussels

*By registered letter with acknowledgment of receipt*

*Email to: [ask+request-2789-e4cef7eb@asktheeu.org](mailto:ask+request-2789-e4cef7eb@asktheeu.org)*

**Subject: Your application under Regulation (EC) 1049/2001 for access to documents - GestDem 2016/2026**

Dear Mrs. Balanya,

I refer to your e-mail dated 17<sup>th</sup> April 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 2016/2026 on 19<sup>th</sup> April 2016.

- All correspondence (including email) since 15 December 2015 between the Commissioner for Climate Action and/or his cabinet and/or officials and representatives of DG CLIMA on one hand and representatives from BusinessEurope, CEFIC, Eurofer, the European Roundtable for Industrialists (ERT), The Alliance of Energy Intensive Industries, Gas Naturally, Center for European Policy Studies (CEPS), Eurelectric, Cembureau, ZEP (Zero Emissions Platform), RWE, Repsol, Shell, ArcellorMital, IFIEC Europe, BDI (Federation of German Industries), the European Bioeconomy Alliance, BASF and/or Lafarge on the other, in which the issue of the review of the EU ETS Directive was addressed.
- A list of meetings since 15 December 2015 between officials and representatives of DG CLIMA on one hand (excluding the Commissioner for Climate Action and/or his cabinet and the Director General) and representatives from BusinessEurope, CEFIC, Eurofer, the European Roundtable for Industrialists (ERT), The Alliance of Energy Intensive Industries, Gas Naturally, Center for European Policy Studies (CEPS), Eurelectric, Cembureau, ZEP (Zero Emissions Platform), RWE, Repsol, Shell, ArcellorMital, IFIEC Europe, BDI (Federation of German Industries), the European Bioeconomy Alliance, BASF and/or Lafarge on the other, in which the issue of the review of the EU ETS Directive was addressed.
- The minutes of the abovementioned meetings.

Please be informed that we have identified the documents covered by your request which you will find listed in the annex to this letter, as well as copies of the identified documents.

Having carefully examined your request and the documents concerned, I am pleased to inform you that full access can be granted to documents under numbers 4b to 6 (included), 8a to 9

(included), 10b and 10c while partial access can be granted to the remaining documents. The reason for not fully disclosing these documents is set out below.

The documents to which you have requested access contain personal data.

Please note that all personal data of the EU officials, except those working for the Cabinet in the documents have been blanked out in accordance with the exception provided in **Article 4(1)(b) of Regulation 1049/2001**. Pursuant to this provision, 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 data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</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 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Rudy van Horenbeek

Head of the Administrative and Legal Support

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</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, not yet reported