



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
The Director-General

Brussels,

*By registered letter with acknowledgment of receipt*

Belen BALANYA  
Corporate Europe Observatory  
rue d'Edimbourg 26  
1050 Bruxelles

*Advance copy by email:*

[ask+request-3092-9466ad51@asktheeu.org](mailto:ask+request-3092-9466ad51@asktheeu.org)

**Subject: Your application for access to documents – GestDem 2016/3621**

Dear Ms Balanya,

We refer to your e-mail dated 29 June 2016 in which you make a request for access to documents, registered on 30 June 2016 under the above mentioned reference number.

In particular, on the subject of the review of the EU ETS Directive, you request

- a) all correspondence since 15 April 2016 between the Commissioner for Climate Action, his Cabinet, and staff of the Directorate General for Climate Action, and representatives of several interest groups;
- b) a list of meetings since 17 April 2016 between staff of the Directorate General for Climate Action (except the Director General), and representatives of several interest groups; and
- c) minutes of these meetings.

As regards your request under point a), please find enclosed copies of the relevant correspondence.

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 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.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or 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.

As regards point b), I regret to inform you that the requested list of meetings does not exist, and no documents were found that would correspond to the description given under point c) of your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, the Commission is not in a position to handle points b) and c) of your request.


In case you would disagree with the assessment that a) the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, or that b) and c) the requested documents do not exist, 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 5/282  
B-1049 Bruxelles

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

Yours faithfully,



Jos DELBEKE

Enclosure: Ares(2016)2112927 dated 3 May 2016  
Ares(2016)2129415 dated 4 May 2016