



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels,

By registered letter with acknowledgment of receipt

Thomas O'Neill
40 Bermondsey Street
London
SE1 3UD
UK

Advance copy by email:
ask+request-4106-431c4843@asktheeu.org

Subject: Your application for access to documents – GestDem 2017/1752

Dear Mr O'Neill,

I refer to your e-mail dated 20 March 2017 in which you make a request for access to documents, registered on 21 March 2017 under the above mentioned reference number.

You request access to

- a) All correspondence, including emails, sent and received since 20/03/2016, between the Commissioner for Climate Action, his cabinet, his officials and any other representatives of DG CLIMA, and representatives from Shell.*
- b) List of meetings, including the meeting's minutes, since 20/03/2016, between officials and representatives of DG CLIMA and representatives from Shell.*

A list of meetings as you have requested it under point b) does not exist.

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.

However, information on meetings held by myself is available on the Commission's web pages:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

Point a) of your application concerns the following documents:

	reference	date	type
1	Ares(2016)6106637	24 October 2016	letter
2	Ares(2016)6620981	24 November 2016	invitation

Document 1 was sent to the Commission by a number of entities.

In your application you specify that you are interested in interactions with the company Shell. I therefore consider that the other senders are not within the scope of your request, their identity has therefore been redacted (company logo and name, representative name and signature).

Both documents contain personal data, in particular names, signatures, direct email addresses and phone numbers.

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 data¹.

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

According to Article 9(1) of this Regulation and unless the conditions of Article 9(6) of the Regulation are met, personal data shall only be transferred to recipients, other than Community institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

I consider that, with the information available, the fulfilment of these conditions has not been established. Therefore, I am disclosing the documents requested expunged from this personal data.

Please also note that both documents were received by the Commission from a third party. They are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

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

¹ Official Journal 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, ECR 2010 I-06055.

Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,



Jos DELBEKE

Encl.