



EUROPEAN COMMISSION

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

Industrial Transformation and Advanced Value Chains

Automotive and Mobility Industries

Head of Unit

***Registered mail with acknowledgement
of receipt***

Brussels, 31. 10. 2017
GROW/C4/SPR/cdp(2017)5679098

Mr Max Bank
Corporate Europe Observatory
LobbyControl
Am Justizzentrum 7
50939 Cologne
Germany

Advance copy by email: ask+request-4652-d9b5d17a@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2017/5423

Dear Mr Bank,

Thank you for your e-mail dated 15 September 2017 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 19 September 2017, 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 as follows:

1) a list of meetings of DG GROW's officials and/or representatives (including the Commissioner and the Cabinet) and Volkswagen Aktiengesellschaft (Volkswagen AG), Daimler Aktiengesellschaft (DAI) and Bayerische Motoren Werke Aktiengesellschaft (BMW Group) in which Dieselgate, car emissions, defeat devices in the emission context and/or emissions testing (real proving emissions-rpe) and type approval were discussed (between September 2015 and today, i.e. 15.09.2017);

2) minutes and other reports of these meetings;

3) all correspondence (including emails) between DG GROW officials and/or representatives (including the Commissioner and the Cabinet) and Volkswagen Aktiengesellschaft (Volkswagen AG), Daimler Aktiengesellschaft (DAI) and Bayerische Motoren Werke Aktiengesellschaft (BMW Group) in which Dieselgate, car emissions, defeat devices in the emission context and/or emissions testing (real proving emissions-rpe) and type approval were discussed (between September 2015 and today, i.e. 15.09.2017).

You subsequently confirmed that "real proving emissions-rpe" should be understood as "real driving emissions-rde"

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

2.1. List of meetings between 1 September 2015 and 15 September 2017

Regarding the part of your request which concerns a list of meetings between DG GROW officials and/or representatives (including the Commissioner and the Cabinet) and the companies 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 Volkswagen AG, DAI and/or BMW Group in which at least one of the topics "*Dieselgate, car emissions, defeat devices in the emission context and/or emissions testing (real driving emissions-rde) and type approval*" was addressed.

Minutes or meeting records have been identified for 9 of these meetings. The minutes or meeting records are enclosed.

2.2. Correspondence between 1 September 2015 and 15 September 2017

Regarding the part of your request which concerns correspondence between DG GROW officials and/or representatives (including the Commissioner and the Cabinet) and Volkswagen AG, DAI and/or BMW Group, we have identified 14 documents that match the scope of your request. These documents are listed in the enclosed document register.

Access is granted to all 14 documents.

Documents 2, 8 and 11 originate from the European Commission. You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Documents 1, 3-7, 9, 10 and 12-14 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. The documents do not reflect the position of the Commission and cannot be quoted as such.

3. PROTECTION OF PERSONAL DATA

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 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/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.

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 5/282
B-1049 Bruxelles

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

Yours sincerely,



Joanna Szychowska

Annexes: List of meetings
Minutes or meeting records of 9 meetings
Document register
14 documents

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.