



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels,

By registered letter with acknowledgment of receipt

Peter TEFFER
EUobserver
Rue Montoyer 18B
1000 Brussels

Advance copy by email:
ask+request-4974-ae23bt79@asktheeu.org

Subject: Your application for access to documents - GestDem 2018/0638

Dear Mr Teffer,

I refer to your e-mail dated 8 January 2018, addressed to the European External Action Service, in which you make a request for access to documents. Your application covers areas falling under the responsibility of different Directorates-General of the European Commission, where it has been registered on 30 January 2018.

This reply covers documents held by the Directorate-General for Climate Action, you received (or will receive) replies from the other Directorates-General in due course.

You request access to all communication between the European Union and the United States about the EU-US Energy Council Climate Change Working Group, as well as all documents since 1 January 2016 with references to the meetings of the EU-US Energy Council Climate Change Working Group.

Your application concerns the following documents:

	type	date	sender
1	email Ares(2016)1208997	8/3/2016	European External Action Service
2	Working Party on Trans-Atlantic Relations 80/16	8/9/2016	Council of the European Union
3	email	23/9/2016	European External Action Service
4	email	13/10/2016	European External Action Service
5	note Ares(2017)233985	16/1/2017	Directorate General for Climate Action
6	email Ares(2017)246602	17/1/2017	Directorate General for Climate Action
7	email	22/5/2017	European External Action Service
8	email	20/6/2017	Directorate General for Climate Action
9	email	14/7/2017	Directorate General for Energy

Documents 1 and 6-8 are enclosed.

Documents 6 and 7 contain elements emanating from third parties, and documents 1-4, 7, and 9 originate from other Union institutions or Commission Directorates-General. All originating parties have been consulted.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the document originators, I regret to inform you that your application cannot be granted for documents 2-5, and 9, and only partially for documents 1, 6, and 7, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

These documents concern discussions on the establishment and set-up of a Climate Change Working Group under the auspices of the EU-US Energy Council, as well as summaries of the first constituting meeting of this Working Group which took place on 22 September 2016.

The disclosure of these documents would undermine the position of the European Union in its relations with the United States of America, as it would reveal deliberations on possible strategies and exchanges of opinions for internal use on operational level, ultimately intended to enable the Council of the European Union to form a position in this context.

The withheld (parts of) documents are therefore protected pursuant to Articles 4(1)a, third indent, concerning the public interest as regards international relations, and 4(3) first paragraph, pertaining to the institutions' decision-making process.

The partially disclosed documents 1 and 6-8 contain personal data, in particular names and direct phone numbers and email/office addresses.

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.

I 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

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.

concerned. Therefore, I am disclosing a version of the documents requested in which these personal data have been redacted.

Please also note that the partially released documents are exchanges between different services of different institutions and they are disclosed for information only. They do not reflect the position of the European Commission or the European Union, and they cannot be quoted as such.

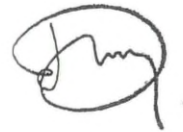
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of loops and a final vertical stroke.

Jos DELBEKE

Encl.