



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels
CLIMA.DG01

By registered letter with acknowledgment of receipt

Danny Magill
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United Kingdom

Advance copy by email: ask+request-7757-0c87fb15@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2020/1422

Dear Mr Magill,

We refer to your e-mail dated 10 March 2020 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to “documents which contain the following information:

1. *Between representatives of Japan Automobile Manufacturers Association, Inc. European Office (JAMA European Office) and Director General Raffaele Mauro Petriccione on the 18/02/2020.*
2. *Between representatives of Association des Constructeurs Européens d'Automobiles (ACEA) and Director General Raffaele Mauro Petriccione on the 17/10/2019.*
3. *Between representatives of Tesla Motors Netherlands B.V. (Tesla) and Director General Raffaele Mauro Petriccione on the 09/07/2019”.*

Your application concerns the following documents:

	Author	Date	Reference

1	European Commission	21 October 2019	Ares(2019)6481722
2	European Commission	20 February 2020	Ares(2020)1084201
3	ACEA	13 September 2019	Ares(2020)1522095
4	JAMA/European Commission	5 February 2020	Ares(2020)1522028
5	ACEA	6 September 2019	Ares(2020)1522095
6	TESLA	18 June 2019	Ares(2020)1522265
7	European Commission	3 September 2019	Ares(2019)5542837

Please find the documents enclosed with this letter. However, I regret to inform you that I cannot give you access to some parts of the documents 1-4 and 6-7.

A complete disclosure of the documents 1-4 and 6-7 is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain: names and contact information of Commission staff members not pertaining to the senior management; names and contact details of other natural persons and other information relating to an identified or identifiable natural person.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward [any] arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Moreover, the Commission has received some of the documents listed above from third parties. In accordance with Article 4(4) of Regulation (EC) No 1049/2001, my service has consulted those third parties concerning the disclosure of the requested documents emanating from them. During the course of this consultation, the author of document 4 considered that some parts of the documents could undermine the protection of their commercial interests. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to some parts of this document.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

Mauro PETRICCIONE