



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels

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Daan Van Acker (Belgian citizen)
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London,
SE1 3UD,
United Kingdom

Advance copy by email: ask+request-9231-f12991c9@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2021/1891

Dear Mr Van Acker,

We refer to your e-mail dated 23 March 2021 in which you make a request for access to documents, registered on 26 March 2021 under the above-mentioned reference number.

Your requested access to:

“All documentation, including but not limited to, attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings of the cabinet members of Cabinet members of Executive Vice-President Frans Timmermans with multiple organisations.

- i. Meeting with KLM Royal Dutch Airlines (KLM), Lufthansa Group) on 11/03/2021 on the Climate roadmap for aviation;*
- ii. Meeting with Community of European Railway and Infrastructure Companies (CER) on 01/03/2021 on Rail and the European Green Deal;*
- iii. Meeting with Airbus on 01/12/2020 on Zero emission aircraft”*

The following documents fall within the scope of your application:

	Author	Date	Reference
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1	Lufthansa	22 February 2021	Ares(2021)1410627
2	European Commission/CER	12 February 2021	Ares(2021)1220927
3	CER	12 January 2021	Ares(2021)257631
4	CER	12 January 2021	Ares(2021)257631
5	European Commission/CER	17 February 2021	Ares(2021)2400828
6	European Commission/Airbus	17 November 2020	Ares(2021)2506759
7	European Commission/Airbus	25 November 2020	Ares(2021)2506759
8	Airbus	12 April 2021	Ares(2021)2477104
9	Airbus	12 April 2021	Ares(2021)2477104

Please note that the documents originate from third parties, who have been consulted to assess the documents for disclosure.

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I regret to inform you that a complete disclosure cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

The documents 1-7 and 9 which you seek to obtain, I regret to inform you that a complete disclosure of the documents 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 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.

As regards document 8, the author of the document has objected to disclosure of some part of the document. According to the author the document contains sensitive information that could undermine its commercial interests. Moreover, it considers that the document could undermine the institution's decision making process. Therefore, following the results of the third party consultation, I conclude that the exceptions laid down in Article 4(2) first indent and 4(3) of Regulation (EC) No 1049/2001 apply to some parts of this document.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I have examined whether there could be an overriding public interest in disclosure, but that I have not been able to identify such an interest.

In accordance with Article 7(2) of Regulation (EC) No 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,

(e-signed)

Mauro PETRICCIONE