



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels

CLIMA.DG

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Advance copy by email: ask+request-9302-bca04282@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2021/2244

Dear Ms Martin,

We refer to your e-mail dated 8 April 2021 in which you make a request for access to documents, registered on 12 April 2021 under the above-mentioned reference number.

Your requested access to: *“the list of all meetings of DG Climate Action, DG Environment, Commissioner Virginijus Sinkevičius (and his Cabinet members), his predecessor Commissioner Karmenu Vella (and his Cabinet members) and Executive Vice President Timmermans’ (and his Cabinet members) with Coca-Cola Company, Coca-Cola European Partners, the Coca-Cola Hellenic Bottling Company, or a third party organisation which represents them, EUROOPEN, Transatlantic Policy Network (TPN), International Tax and Investment Center (ITIC), Friends of Europe (FoE), Fleishman-Hillard, SALESAS TRES CENTRO DE ESTUDIOS, Interel European Affairs, Burson Cohn & Wolfe Sprl (BCW) and EPPA SA on the subjects of: circular economy, the European Green Deal, single-use plastic, plastics tax and the SUPD since 1 January 2018. In addition you request access to any emails or other correspondence related to these meetings”.*

Your submitted application for access to documents covers topics falling under the responsibility of different Commission services. In that regard, your request has been split into separate requests, whereby each part is attributed to the respective Commission service under a separate Gestdem reference number. Each Director-General service provides its own, separate reply which relates only to the documents held by that service or responsible Cabinet.

In this regard, this request correspond to the documents held by the Directorate General for Climate Action and the Cabinet of the Executive Vice-President Timmermans.

The following documents fall within the scope of your application:

	Author	Date	Reference
1	CocaCola	7 January 2020	Ares(2020)68058
2	CocaCola	7 January 2020	Ares(2020)68058
3	UNESDA/European Commission	2 February 2021	Ares(2021)895217
4	CocaCola/European Commission	16 February 2021	Ares(2021)1301067
5	CocaCola	12 February 2021	Ares(2018)949530
6	CocaCola	12 February 2021	Ares(2018)949530
7	European Commission	12 April 2018	Ares(2018)1956772
8	European Commission	12 April 2018	Ares(2018)1956772
9	CocaCola/European Commission	8 March 2018	Ares(2018)1288421
10	CocaCola	12 February 2018	Ares(2018)1288421
11	Friends of Earth Europe	21 January 2020	Ares(2020)1869456
12	Friends of Earth Europe	21 January 2020	Ares(2020)1869456
13	European Commission	1 April 2020	Ares(2020)1869456
14	Friends of Europe	7 November 2019	Ares(2021)3484639
15	Friends of Europe	7 November 2019	Ares(2021)3484639

16	Friends of Europe	24 February 2020	Ares(2021)3322135
17	Friends of Europe	24 February 2020	Ares(2021)3322135
18	Friends of Europe	24 February 2020	Ares(2021)3322135
19	Friends of Europe	24 February 2020	Ares(2021)3322135

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.

I regret to inform you that a complete disclosure of the documents 1-11 and 13-19 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 above-mentioned 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 13, some parts of the document have been blanked out as their disclosure is prevented by Article 4(1)(a) third indent of Regulation (EC) No 1049/2001.

As far as the protection of international relations is concerned, the EU Court of Justice has acknowledged that the institutions enjoy a wide discretion when considering whether access to a document may undermine that public interest¹.

¹ Judgment of the Court of First Instance of 25 April 2007, in Case T-264/04, WWF European Policy Programme v Council, , EU:T:2007:114, paragraph 40.

Some parts of the document reflect the position of third countries as regards the European Charter Treaty. The disclosure of these documents could undermine the position of the European Union in its relations with these countries. The parts of document withheld are therefore protected pursuant to Articles 4(1)a, third indent, concerning the public interest as regards international relations.

Furthermore, this document was drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Climate Action. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

Please note that the list of meetings of the Executive Vice-President Timmermans, his Cabinet and the meetings of the Director-General of DG CLIMA with organisations and self-employed individuals are available in the links enclosed below:

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

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=f1afd532-0d40-4dcd-8e45-667b57075377>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=ec1ecb7e-2615-44eb-895b-6b08637c2a0d>

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