



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION

The Director-General

Brussels

CLIMA.DG

Lucy Owens  
1 Long Ln,  
London SE1 4PG,  
United Kingdom

**Advance copy by email:** [ask+request-9765-  
ba71d90f@asktheeu.org](mailto:ask+request-9765-ba71d90f@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2021/4589**

Dear Mr Owens,

We refer to your e-mail dated 12 July 2021 in which you make a request for access to documents, registered on 16 July 2021 under the above-mentioned reference number.

You requested access to: *“All correspondence, including emails, sent and received since 01/01/2020, between the Commissioner for Climate Action, his cabinet, his officials, and any other representatives of DG CLIMA, and representatives from Daimler / Daimler AG and its subsidiaries”*.

DG CLIMA has identified several documents that fall under scope of the request, the list of identified documents is annexed to this letter.

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.

A complete disclosure of the documents 1-15, 16-19, 22-25 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.

Furthermore, the author of the documents has objected to the disclosure of some parts of documents 2, 14, 18 and 25.

The author considered that some parts of the documents 14, 18 and 25 “*contain sensitive commercial and technical business information from our company and allow conclusions to be drawn as to the technical know-how of our company*”. The disclosure would undermine their commercial interests and should be protected under the first indent of Article 4 (2) of Regulation (EC) No 1049/2001.

As regards document 2, the author considered that some parts of the document should be protected against disclosure in accordance with the second indent of Article 4 (2) of Regulation (EC) No 1049/2001 as it consider that its disclosure would undermine the protection of court proceedings and legal advice must be refused.

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 documents have been blanked out accordingly.

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.

Please note that some of the documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

*(e-signed)*

Mauro PETRICCIONE