



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
The Director-General

Brussels
ENV.B.3

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**Subject: Your applications for access to documents Ref GestDem No
2021/5986, 2021/6220, 2021/6380, 2021/6489 and 2021/6491**

Dear Ms. Cicculli,

We refer to your requests for access to documents dated between 07/10/2021 and 29/10/2021 and registered under the above-mentioned reference numbers.

You originally requested access to the following:

- a list of all lobby and industry meetings and/or calls held by the Directorate-General for Environment, including any Cabinet Members and/or officials, during which “hydrogen vehicles” and/or “electric vehicles ” and/or “batteries” and/or “hydrogen” were discussed;
- all minutes and other reports of these meetings and/or calls;
- all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place.

- all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Directorate-General for Environment, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “hydrogen vehicles” and/or “electric vehicles ” and/or “batteries” and/or “hydrogen”.

On 11/10/2021 you introduced an additional request (Gestdem 2021/6220) with a similar scope, but restricted to meetings and calls with the European Battery Alliance.

On 27/10/2021 you introduced an additional request (Gestdem 2021/6380) with a similar scope, but restricted to meetings and calls where “batteries” and/or “hydrogen” and/or “lithium” were discussed with Vulcan Energie Ressourcen.

On 28/10/2021 you introduced an additional request (Gestdem 2021/6489) with a similar scope, but restricted to meetings and call with Stellantis and having added “lithium” to the keywords.

On 29/10/2021 you introduced an additional request (Gestdem 2021/6491) with a similar scope, but restricted to meetings and calls with Solvay SA and to the keywords “electric vehicles” and “batteries”.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in applications 2021/6380, 2021/6489 and 2021/6491.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your applications, are held by the Commission, the Commission is not in a position to fulfil your request.

The requests referenced as 2021/5986, 2021/6220 have yielded the following results (please note that DG ENV does not systematically draw up lists of lobby meetings).

Date	Commission representative	Meeting with	Reference	Document type
31-5-18	DG ENV Calleja	InnoEnergy	BASIS ENV 757	Briefing
15-07-19	DG ENV Calleja	Renault	BASIS ENV 1442	Briefing
20-11-19	DIR ENV B Sadauskas	EUROBAT	BASIS 1644	Briefing
25-05-20	Commissioner V Sinkevicius	EUROBAT	CAB SINKEVICIUS/206	Briefing
4-12-20	Commissioner V Sinkevicius	Recharge	BASIS 584	Speaking Points
17-02-21	DG ENV B3	EUROBAT	ARES (2021)1339423	Minutes
17-10-21	DG ENV B3	EUROBAT	ARES (2021)6270474	Minutes

Documents referenced above as BASIS 1644, BASIS 584, ARES (2021) 1339423 and ARES (2021) 6270474 are concerned by your applications and attached to this letter.

Regarding the remainder of the documents (BASIS ENV 757, BASIS ENV 1442, Briefing CAB SINKEVICIUS/206) we came to the conclusion that the disclosure of the documents would undermine the protection of the decision-making process of the Commission, as it would put at risk the Commission's ability to carry out its tasks in relation to ongoing co-decision procedure aiming the adoption of the proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020.¹ Therefore, the exception laid down in Article 4(3) second subparagraph of Regulation (EC) No 1049/2001 applies.

While the Commission has adopted the aforementioned proposal, the Ordinary Legislative Process concerning it is not yet closed. The disclosure of the documents concerned would provide information on the way the Commission formulates and elaborates its contributions to this process, including on the role of actors and long-term approaches, which would put at risk the Commission's capability to contribute to the adoption of a balanced new regulation on batteries in an independent way. No overriding public interest in the disclosure of these documents has been identified.

We have considered whether partial access could be granted to the document/documents requested. However, it is not possible to grant access to an expunged version of the documents, given that the remaining parts, after expunging the confidential information, might be meaningless or illegible.

Furthermore, with regard to all the documents attached to this letter, a complete disclosure of the identified 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 the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;

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 express particular interest to have access to these personal data, however you do not 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 identified above, 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.

¹ COM/2020/798 final

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0798>)

In case you would disagree with the position expressed in this answer, 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
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

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

Please also note that minutes and reports of the meetings attached to this letter were drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for ENV. 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.

Yours sincerely,

e-signed
Florika Fink-Hooijer

