



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION  
Directorate J - Common Support Centre  
J.1 - Common Legal support service  
The Head of Unit

Brussels, **16 OCT. 2015**

*By registered letter with acknowledgment of receipt*

Access Info Europe  
Cava San Miguel 8 4C  
28005 Madrid  
Spain

*Advance copy by email: ask+request-2144-08bc0be5@asktheeu.org*

**Subject: Your application for access to documents –GestDem Ref No 2015/4681  
– Partial access to the requested documents**

Dear Sir/Madam,

We refer to your email of 2 September 2015 in which you submit, within the framework of *Regulation (EC) No 1049/2001*<sup>1</sup>, an application for access to documents, registered on 4 September 2015 under the above mentioned reference number.

#### **1. SCOPE OF THE REQUEST AND EXAMINATION UNDER THE REGULATION**

Your request concerns the release of *documents that contain the \*minutes of meetings\* of DG Research and Innovation officials and/or representatives in which biofuels and Indirect Land-Use Change (in particular the preparation of the European Commission's October 2012 proposal on the issue) were discussed with external stakeholders. The timeframe for your request was between 1 January 2012 and 18 October 2012.*

Your application falls within the scope of *Regulation (EC) No 1049/2001*.

We have identified 3 documents corresponding to your request, namely the Minutes of the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> European Industrial Bioenergy Initiative (EIBI) Team meeting (hereinafter referred to as: 'requested documents').

The requested documents contain the names, initials and email addresses of the Commission staff as well as of the representatives of Member States, Associated Countries and Industry. These names, initials and email addresses constitute personal data in the meaning of Article 2(a) of *Regulation (EC) No 45/2001*.

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) (hereinafter referred to as: 'Regulation (EC) No 1049/2001').



Pursuant to Article 4(1)(b) of *Regulation (EC) No 1049/2001*, access to a document has to be refused if its "disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with [the EU] legislation regarding the protection of personal data". When access is requested to documents containing personal data, *Regulation (EC) No 45/2001* becomes fully applicable<sup>2</sup>. The EU Court of Justice case-law<sup>3</sup> confirms that "there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of 'private life'".

According to Article 8(b) of *Regulation (EC) No 45/2001*, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the individuals concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the concerned individuals. Therefore, we are disclosing the requested documents in which these personal data are redacted.

For this purpose, in all documents we redacted all personal data of the Commission staff, of the representatives of Member States and Associated Countries, as well as of the representatives of the Industry. If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the individuals whose personal data should be disclosed.

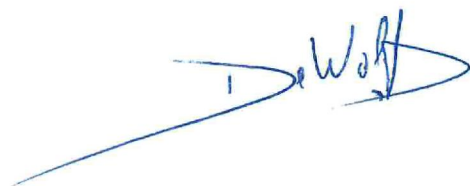
## 2. MEANS OF REDRESS

In case you disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of *Regulation (EC) No 1049/2001*, 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 Secretary-General of the Commission at the following address:

**European Commission**  
**Secretary-General**  
**Transparency unit SG-B-4**  
**BERL 5/327**  
**B-1049 Bruxelles**

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Liliane De Wolf

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission v. The Bavarian Lager Co. Ltd.*, ECR 2010 I-06055.

<sup>3</sup> Judgment of the Court of 20 May 2003 in joined cases C-465/00, C-138/01 and C-139/01, preliminary rulings in proceedings between *Rechnungshof and Österreichischer Rundfunk*, paragraph 73.