



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

DG.003 – Administrative and Legal support, Liaison SRD

Brussels,
Mr. Pascoe Sabido
Corporate Europe Observatory
Mundo-B,
26 Rue d'Edimbourg
1050 Bruxelles

By registered letter with acknowledgment of receipt

Per email to: ask+request-2176-2b575007@asktheeu.org

Subject: Your application under Regulation (EC) 1049/2001 for access to documents - GestDem 2015/4795

Dear Mr. Sabido

I refer to your e-mail dated 7th September 2015, specified by your email of 10th September 2015 in which, pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents, you initiated a request, which was registered under GestDem 2015/4795.

In your application you asked the Commission to provide you with:

1. A list of all meetings in the last year regarding the ongoing review of legislation to reduce CO2 emissions from passenger cars
2. all correspondence and minutes of meetings between DG Clima and ACEA or members of ACEA (and explicitly referred to BMW Group, DAF Trucks NF, Daimler AG, FCA, Ford of Europe GmbH, Hyundai Motor Europe GmbH, Iveco S.p.A., Jaguar Land Rover, Opel Group, PSA Peugeot Citroen, Renault SA, Toyota Motor Europe, Volkswagen AG, Volvo Car Corporation and Volvo Group) regarding the ongoing review of legislation to reduce CO2 emissions from passenger cars from 29th July 2014 until 29th July 2015.

Please be informed that we have identified the documents covered by your request and in annex you will find an overview of the documents as well as copies of the identified documents, where applicable.

Having carefully examined your request and the documents concerned, I am pleased to inform you that partial access can be granted to the documents No. 1 to No.8.

Please note that all personal data of the EU officials, except for the Director General and those working for the Cabinet in documents under No. 1 to No.8 have been blanked out.

Article 4(1)(b) of the Regulation No 1049/2001 provides that

"the institutions shall refuse access to a document where disclosure would undermine the protection of privacy and the integrity of the individual in particular, in accordance with Community legislation regarding the protection of personal data",

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document or to a part of it 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. The applicable legislation in this field is Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, 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 persons 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 persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

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 persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged 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 1049/2001, to make a confirmatory application requesting the Commission to review this position.

¹ OJ L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

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 Brussels

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R. Horenbeek', with a large, stylized flourish extending from the end of the signature.

Rudy van Horenbeek

Head of the Administrative and Legal
Support