



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Director

Brussels, 16 MARS 2016
GROW/C1/KK/fam ARES (2016) 1178062

Mr Vincent Harmsen
Pieter Schroonsstraat 58
1830 Machelen

Sent only by e-mail

Subject: Your application for access to documents – Ref GestDem No 2016/0727

Dear Mr Harmsen,

We refer to your e-mail dated 12/02/2016 in which you make a request for access to documents, registered on 15/02/2016 under the above-mentioned reference number.

Your request concerns access to documents "on the topic of the National Emission Ceilings Directive (part of the Clean Air Policy Package), all correspondence (including emails), minutes of meetings and any other reports of such meetings between DG GROW officials (including the Commissioner and his Cabinet members) and representatives of the following organisations: European Automobile Manufacturers Association (ACEA), BUSINESSEUROPE, Copa-Cogeca, Cefic, ECPA, CEPI, ECGA, EURELECTRIC, EUROALLIAGES, EUROFER, Eurometaux, Euromines, EUROPIA (now called FuelsEurope), IMA Europe, American Chamber of Commerce, Volkswagen, Daimler, BMW." The timeframe goes from June 2012 to January 2014.

This application concerns 3 main documents. Please find copies of the requested documents and a list of meetings attached.

I would like to draw your attention to the fact that a separate document listing the meetings between DG GROW and external organisations does not exist. However, for the purpose of your requests, we have compiled a list of the meetings with the mentioned organisations.

Please note that the documents originating from third parties are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. These do not reflect the position of the Commission and cannot be quoted as such.

One of the documents to which you have requested access contains personal data.

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 Community 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/or 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.

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.

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

Yours Faithfully,



Gwenole Cozigou

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, ECR 2010 I-06055.