



## EUROPEAN COMMISSION

Secretariat-General

Directorate D - Policy Co-ordination I

**SG.D.3 - Resource Efficiency**

Head of Unit

Brussels, 27 October 2016  
sg.dsg1.d3/PG/ke (2016)6725477

Ms. Belen Balanya  
Corporate Europe Observatory (CEO)

email: [ask+request-3351-febdf61e@asktheeu.org](mailto:ask+request-3351-febdf61e@asktheeu.org)

**Subject: Your application for access to documents – Ref. GestDem No 2016/5577**

Dear Madam,

We refer to your e-mail dated 06/10/2016 in which you make a request for access to documents, registered on the following day under the above mentioned reference number.

Your applications concerned access to correspondence (including e-mail) between President Juncker, Vice President Timmermans and/or members of their cabinets with a number of stakeholders since 29 June 2016, in which the issue of the review of the EU Emissions Trading System Directive was addressed. You can find the requested correspondence enclosed.

The document, 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 data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>. 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

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<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.

assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the document 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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Peter Handley

Enclosures:

Copy of the open letter from the European Steel Association EUROFER to Heads of State and Government ahead of the European Council meeting (20-21/10/2016): Market Economy Status of China, EU Trade Defence, Emissions Trading System