

EUROPEAN COMMISSION

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

Industrial Transformation and Advanced Value Chains
Automotive and Mobility Industries
Head of Unit

Brussels, 18 January 2017
GROW/C4/SPR/cdp
(2017)296825

Mr Fabian Huebner
Corporate Europe Observatory
Cranachstr. 48
50733 Köln
Germany

Sent by email to: ask+request-3586-
eac89cc3@asktheeu.org

Subject: Request for access to documents – GESTDEM No. 2016/6716

Dear Mr Huebner,

Thank you for your e-mail dated 28 November 2016 which was registered at the Internal Market, Industry, Entrepreneurship and SMEs Directorate-General of the European Commission on 29 November 2016, requesting access to documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31 May 2001, page 43 and following).

1. SCOPE OF YOUR REQUEST

Your e-mail requested access to documents as follows:

- a list of the meetings between DG GROW and the European Automobile Manufacturer Association (ACEA) and/or its Member organisations and/or its associated associations (BMW Group, DAF Trucks, Daimler, Fiat Chrysler Automobiles, Ford of Europe, Opel Group, Hyundai Motor Europe, Iveco, Jaguar, Land Rover, PSA Peugeot Citroën, Renault, Toyota Motor Europe, Volkswagen Group, AB Volvo, Volvo Car Corporation, FFOE, FEBIAC, ACM, OEB, AIA, CCFA, VDA, AHAI, SIMI, ANFIA, Auto Asociacijas, LAA, RAI, PZPM, ACAP, ACAROM, ZAP SR, BIL Sweden, ANFAC, OSD, Auto-Suisse, SMMT)

concerning the review and/or reform of the EU type approval framework and/or the „Proposal for a Regulation on the approval and market surveillance of motor vehicles, Real Driving Emissions testing“ as referred to by the EU Commission in the fact sheet „Car industry: European Commission tightens rules for safer and cleaner cars“ (http://europa.eu/rapid/press-release_MEMO-16-168_en.htm)

- all minutes of the above meetings

- any correspondence between the above mentioned actors on the review and/or reform of the EU type approval framework and/or the „Proposal for a Regulation on the approval and market surveillance of motor vehicles, Real Driving Emissions testing“ as referred to by the EU Commisison in the fact sheet „Car industry: European Commission tightens rules for safer and cleaner cars“ (http://europa.eu/rapid/press-release_MEMO-16-168_en.htm).

You further stated "Please consider the request applicable during the previous 15 months (September 2015 to November 2016)".

2. DESCRIPTION OF DOCUMENTS IDENTIFIED

2.1. List of meetings between 1 September 2015 and 30 November 2016

Regarding the part of your request which concerns a list of meetings between DG GROW and the associations and organisations listed, we have not identified any existing documents matching the scope of your request. Thus that part of the request has been treated as an access to information request, in accordance with the Code of Good Administrative Behaviour.

Please find enclosed a list of meetings in which the topic "*the review and/or reform of the EU type approval framework and/or the „Proposal for a Regulation on the approval and market surveillance of motor vehicles, Real Driving Emissions testing“ as referred to by the EU Commisison in the fact sheet „Car industry: European Commission tightens rules for safer and cleaner cars“*" (http://europa.eu/rapid/press-release_MEMO-16-168_en.htm)" was at least one of the topics addressed.

Minutes or meeting records have been identified for 17 of these meetings. The minutes or meeting records are enclosed.

For seven of the meetings listed, no minutes or meeting records have been identified. For five of these meetings, we are providing information on the contents of the discussions. Such information is based on recollections and in some cases, taken from personal notes made in the meetings.

2.1. Correspondence between 1 September 2015 and 30 November 2016

Regarding the part of your request which concerns correspondence between DG GROW and the associations and organisations listed, we have identified seven documents that match the scope of your request:

No.	Date	Description
1	20.10.2015	E-mail from ACEA to Gwen Cozigou (Director of Directorate C: Industrial Transformation and Advanced Value-Chains of DG GROW)
2	13.06.2016	E-mail from ACEA
3	22.09.2016	E-mail from ACEA
4	27.09.2016	E-mail from ACEA
5	27.09.2016	E-mail from ACEA

6	28.09.2016	E-mail from Erik Jonnaert (Secretary General, European Automobile Manufacturers' Association ACEA) to Gwen Cozigou (Director of Directorate C: Industrial Transformation and Advanced Value-Chains of DG GROW)
7	29.09.2016	Reply from Gwen Cozigou to Erik Jonnaert

For documents 2-6, consultation with a third party is currently ongoing. Thus you will receive a separate reply concerning these five documents. We apologise for any inconvenience this may cause.

Access is granted to two documents, numbers 1 and 7.

Document 7 originates from the European Commission. You may reuse the document free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

Document 1 originates from a third party. I can confirm that DG Internal Market, Industry, Entrepreneurship and SMEs has consulted according to Article 4, paragraph 4 of Regulation 1049/2001 the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to release the document.

Please note that the document received from a third party is disclosed for information only and cannot be re-used without the agreement of the originators, who holds a copyright on it. The document does not reflect the position of the Commission and cannot be quoted as such.

3. PROTECTION OF PERSONAL DATA

The documents being released contain personal data, in particular names and functions of European Commission staff below the level of Director, and names and functions of stakeholder representatives other than the main representative of the stakeholder.

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.

¹ Official Journal 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.

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.

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 sincerely,



Joanna Szychowska

Annexes: List of meetings
Minutes or meeting records of 17 meetings
Complementary information on meetings
Two documents