



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A - International and Mainstreaming
CLIMA.A.1 - International and Inter-Institutional Relations

Brussels,

By registered letter with acknowledgment of receipt

Ben YOURIEV
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Advance copy by email:

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Subject: Your applications for access to documents - GestDem 2017/4496, 4498, 4500

Dear Mr Youriev,

We refer to your e-mails dated 31 July 2017 in which you make requests for access to documents, registered on 1 August 2017 under the above mentioned reference numbers.

You request access to

- all correspondence, including emails, sent and received since 01/02/2015, between the Commissioner for Climate Action, his cabinet, his officials and any other representatives of DG CLIMA, and representatives from the International Chamber of Shipping, the European Community Shipowners' Association, or the Baltic and International Maritime Council (BIMCO);
- lists of meetings, including the meeting's minutes, between officials and representatives of DG CLIMA and representatives from the International Chamber of Shipping since 12/07/2016, as well as representatives from European Community Shipowners' Association or the Baltic and International Maritime Council (BIMCO) since 01/02/2015.

Information on meetings held by Commissioner Cañete, his Cabinet, or the Director General for Climate Action with third parties is available in the public domain:

- <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=523060f7-97c6-480b-8bb9-30bb409e650e>
- <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=9778d998-6aed-40e3-a1d6-614db81c7918>
- <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

The stakeholders mentioned in your applications were also invited to the expert groups on the monitoring, reporting and verification of shipping emissions. These two expert groups set up under the umbrella of the European Sustainable Shipping Forum (ESSF) gathered for the period June 2015 to May 2017 in order to provide technical expertise for the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (the MRV Shipping Regulation)¹. Information on these groups and their work can be found on our webpages: https://ec.europa.eu/clima/events/articles/0108_en.

In addition to this publically available information, your application concerns the following documents:

	reference	date	sender
1	Ares(2017)231017	16/1/2017	ICS & ECSA
2	Ares(2017)1868660	7/4/2017	Commission
3	Ares(2015)1169182	17/3/2015	ECSA/Commission
4	Ares(2017)101183	9/1/2017	ECSA
5	Ares(2017)3038274	15/6/2017	ECSA
6	Ares(2016)7078860	20/12/2016	BIMCO
7	Ares(2017)2191768	27/4/2017	Commission

These documents are enclosed.

They contain personal data, in particular: names, direct office and email addresses as well as phone numbers, and biometric data (signatures).

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 data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

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.

¹ OJ L 123, 19.5.2015, p. 55–76

² Official Journal L 8 of 12.1.2001, p. 1

³ 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.

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.

Please note that documents 1 and 3-6 were received by the Commission from third parties. They are disclosed for information only, they do not reflect the position of the Commission and cannot be quoted as such.

Document 1 was received by the Commission from numerous senders. The identity of those senders that are not within the scope of your request has been redacted. The same principle was applied in document 2, which is the Commission's reply.

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 5/282
B-1049 Bruxelles

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

Yours sincerely,



Elina BARDRAM

Encl.