



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

CLIMATE ACTION

Directorate A - International, Mainstreaming & Policy Coordination

CLIMA.A.1 - International and Inter-Institutional Relations

Brussels, **08 MAI 2018**

By registered letter with acknowledgment of receipt

Valentin STEINHAUER
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8000 Brugge
Belgium

Advance copy by email:

ask+request-5233-188b8abf@asktheeu.org

Subject: Your application for access to documents - GestDem 2018/1753

Dear Mr Steinhauer,

We refer to your application for access to documents dated 9 March 2018, registered on 23 March 2018 under the above mentioned reference number.

You request access to

- all communication between the EU and the US and all internal Commission documents on the subject of the North American Climate Summit - C40¹ and the 2018 Global Climate Action Summit²;
- all documents since 1 June 2017 with references to President Trump's speech of 1 June 2017 and the intended US withdrawal from the Paris Agreement³ and the US delegation at the 2017 COP23 in Bonn;
- all documents since 1 June 2017 with references to the 2017 and 2018 ministerial meetings on climate action co-chaired by Canada, China and the EU.

As regards the first point of your request, please note that this covers an area falling under the responsibility of the European External Action Service, and this part of your request has therefore been transferred to that service. You will receive their reply in due course.

The position of European Union leaders as regards the US announcement to withdraw from the Paris Agreement has been publically expressed at numerous instances, such as

¹ <http://www.c40.org/events/north-american-climate-summit>

² <https://globalclimateactionsummit.org/>

³ <https://www.whitehouse.gov/briefings-statements/statement-president-trump-paris-climate-accord/>

speeches, statements and conclusions by President Juncker⁴ and Commissioner Arias Cañete⁵, High Representative Mogherini⁷, and by the Council of the European Union⁸.

The European Commission has also communicated on the 2017 ministerial meeting on climate action⁹ co-chaired by Canada, China and the European Union, and this meeting's summary has been published by the government of Canada¹⁰.

In addition to the information already available in the public domain, your application concerns the following documents:

	reference	date	author
1	Ares(2017)5402338	7/11/2017	Commission
2	Ares(2018)2356112	1/3/2018	Commission on behalf of Canada, China and European Union

Large parts of document 1, which bears references to President Trump's announcement as well as the US delegation at the COP23, are not within the scope of your request. These parts have therefore been redacted.

Both documents contain personal data, in particular names, initials and signatures (biometric data), and direct email addresses.

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 data¹¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable¹².

⁴ SPEECH/17/1647 - http://europa.eu/rapid/press-release_SPEECH-17-1647_en.htm

⁵ STATEMENT/17/1513 - http://europa.eu/rapid/press-release_STATEMENT-17-1513_en.htm

⁶ SPEECH/17/1721 - http://europa.eu/rapid/press-release_SPEECH-17-1721_en.htm

⁷ https://eeas.europa.eu/headquarters/headquarters-homepage/28379/eu-will-make-sure-paris-agreement-climate-change-implemented_en

⁸ Press release 358/17 - <http://www.consilium.europa.eu/en/press/press-releases/2017/06/19/climate-change/>

⁹ https://ec.europa.eu/clima/news/eu-co-hosts-major-international-climate-meeting-canada-and-china_en

¹⁰ https://www.canada.ca/en/environment-climate-change/news/2017/09/ministerial_meetingonclimateaction.html

¹¹ Official Journal L 8 of 12.1.2001, p. 1

¹² 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 a version of the documents requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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 5/288
B-1049 Bruxelles

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elina Bardram', with a stylized, cursive script.

Elina BARDRAM

Encl.