



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
JOINT RESEARCH CENTRE  
Directorate C - Energy, Transport and Climate  
**Sustainable Transport Unit**

*By registered letter with  
acknowledgment of receipt<sup>1</sup>*

**Peter Teffer  
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*Sent by pdf only to : ask+request-8211-3d275c62@asktheeu.org*

**Subject: Your application for access to documents – GESTDEM 2020/3617**

Dear Sir,

We refer to your e-mail of 12 June 2020 in which you make a request for access to documents, registered on 15 June 2020 under the above-mentioned reference number.

You request access to

- All reports, e-mails, minutes and other documents about the delayed completion of the test laboratories VELA 10 and VELA 11
- Data about the real driving emissions test done in VELA 10 and VELA 11.

Your application concerns the following documents:

1. G005 “programma lavori version 04”, dated 31/10/2019: **Ares(2020)3493402**
2. Email from Contractor dated 28/02/2020 with subject “JRC - Fabbricato 23B Vela 10-11” **Ares(2020)3493445**
3. Email from Contractor, dated 09/03/2020, with subject “Impatto del decreto ministeriale dell'8 marzo 2020 nella programmazione delle opere inerenti al contratto 935850 ed emendamento n. 1” **Ares(2020)3493458**
4. Email from the JRC Ispra site management of 13032020 with subject “Business continuity - urgent for action” **Ares(2020)3493493**
5. Exchange of emails between project leader and hierarchy (last email of 18032020) on contract situation with subject “Contract for Vela 10-11” **Ares(2020)3493574**

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<sup>1</sup> According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

6. Exchange of emails between project leader and contract Unit (last email of 19032020) on contract amendment with subject "Contract for Vela 10-11" **Ares(2020)3493534**
7. Further exchange of emails between project leader and contract Unit (last email of 24032020) on contract amendment with subject "Contract for Vela 10-11" **Ares(2020)3493599**
8. Reply of the JRC lawyer on the best approach for contract amendment (email dated 24032020 with subject "Contract for Vela 10-11") **Ares(2020)3493610**
9. Amendment n. 2 to the supply contract 935850-IPR-2018 (3 months extension of contract deadline) **Ares(2020)3493634**
10. Exchange of emails between project team and Contractor (last email of 14052020) with subject "R: [VELA 10-11] Recovery of yard activity" **Ares(2020)3493655**
11. Further exchange of emails between project team and Contractor (last email of 28052020) with subject "R: [VELA 10-11] Activity restart" **Ares(2020)3493702**

With regard to the documents 1.-11. listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

With regard to your second request for access to data about the real driving emissions test done in VELA 10 and VELA 11, please note that the test facilities VELA 10 and VELA 11 are not yet operational, thus no emission tests were done, and no data were produced in these two test facilities.

#### ***Disclaimers:***

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In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Brussels, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

**Alois Krasenbrink**  
**Head of Unit**  
*(e-signed)*