



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels

CLIMA.DG

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Subject: Your application for access to documents – Ref GestDem No 2021/3067

Dear Ms Balanya,

We refer to your e-mail dated 6 May 2021 in which you make a request for access to documents, registered on 10 May 2021 under the above-mentioned reference number.

You requested access to:

“ i) *all correspondence (including email) between 1st January 2021 and 6th May 2021 between Commissioner Simson, Commissioner Timmermans, Commissioner Breton, President van der Leyen, Commissioner Dombrovskis, and/or their cabinets and/or officials from DG Energy, DG Clima, DG Grow, DG Trade and Secretariat General on one hand and stakeholders on the other, where the issue of the carbon border adjustment mechanism is addressed.*

ii) *list of meetings/videocalls/calls between 1st December 2020 and 6th May 2021 between officials and/or representatives of the European Commission and stakeholders where the issue of the carbon border adjustment mechanism is addressed.*

iii) *minutes of the meetings/videocalls/calls mentioned above”.*

Your submitted application for access to documents covers topics falling under the responsibility of different Commission services. In that regard, your request has been split into separate requests, whereby each part is attributed to the respective Commission service under a separate Gestdem reference number. Each Director-General service provides its own, separate reply which relates only to the documents held by that service.

DG CLIMA has identified several documents that fall under scope of the request, which are annexed to this letter.

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I regret to inform you that a complete disclosure cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

A complete disclosure of the documents 1-5, 7-25, 28-31, 34-37 and 39-42 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: names and contact information of Commission staff members not pertaining to the senior management; names and contact details of other natural persons and other information relating to an identified or identifiable natural person.

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 above-mentioned 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.

The authors of the documents 17-18 and 33 have objected to disclosure of some parts of the documents that they sent to the Commission and have motivated their position as follows.

As regards document 17, the author considered that the document constitutes a confidential written exchange and document 18 constitutes a draft programme for a conference, including the identities of third persons, some of which had eventually not participated in the conference. According to the author, the disclosure of the documents would impede a venue for exchange between researchers and politicians in a setting of trust and confidentiality. The disclosure would thus affect the interests of the author protected under Article 4, paragraphs 1 or 2 of Regulation (EC) No 1049/2001.

As regards document 33, some parts have been redacted as they should be protected by Article 4(2) of Regulation 1049/2001. These parts of the document contain sensitive information on potential plant closures, production reductions and job losses, which could damage the commercial interests of the author of the document.

Furthermore, documents 11, 20, 22, 23, 29, 30, 35 and 42 were drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Climate Action. They solely reflect the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

Please note that the list of meetings of the Executive Vice-President Timmermans, his Cabinet and the meetings of the Director-General of DG CLIMA with organisations and self-employed individuals are available in the links enclosed below:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=f1afd532-0d40-4dcd-8e45-667b57075377>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=ec1ecb7e-2615-44eb-895b-6b08637c2a0d>

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,

(e-signed)

Mauro PETRICCIONE