



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels

CLIMA.DG

Lucy Owens
1 Long Ln,
London SE1 4PG,
United Kingdom

Advance copy by email: ask+request-9764-cff02df5@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2021/4588

Dear Ms Owens,

We refer to your e-mail dated 12 July 2021 in which you make a request for access to documents, registered on 16 July 2021 under the above-mentioned reference number.

You requested access to: *“documents that contain the following information “All correspondence, including emails, sent and received since 01/01/2020, between the Commissioner for Climate Action, his cabinet, his officials, and any other representatives of DG CLIMA, and representatives from BMW and its subsidiaries”.*

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 1-7, 9-16, 18, 21, 25-32 and 34-40 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.

Furthermore, the author of the documents has objected to the disclosure of some parts of the documents that it sent to the Commission. The author considered that the documents 4 and 36 contain information “relating to future products not yet publicly announced” and “BMW specific topics”. This information is considered commercially sensitive business information and has been redacted from the disclosed documents as it is protected by Article 4(2) of Regulation 1049/2001.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest in the disclosure of the documents. I have examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

Please note that some of the documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

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