



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
The Director-General

Brussels

CLIMA.DG

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**Advance copy by email:** [ask+request-9911-33d51704@asktheeu.org](mailto:ask+request-9911-33d51704@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2021/5384**

Dear Mr Youriev,

We refer to your e-mail dated 2 September 2021 in which you make a request for access to documents, registered on 7 September 2021 under the above-mentioned reference number.

You requested access to:

- “
- i. *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 Toyota (Toyota Motor Corporation);*
  - ii. *List of meetings, including the meeting's minutes, since 01/01/2020, between officials and representatives of DG CLIMA and representatives from Toyota (Toyota Motor Corporation).”*

DG CLIMA has identified several documents that fall under scope of the request, the list of identified documents is 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 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 identified 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.

As regards document 28-31, these documents relate to an ongoing decision-making process of the Commission concerning the monitoring of CO2 emissions in the calendar year 2020, pursuant to Article 7 of Regulation (EU) 2019/631. The disclosure is not possible as it would reveal preliminary views and policy options which are currently under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

As regards document 32 and 33, these documents concern eco-innovations pursuant to Article 11 of Regulation (EU) 2019/631 and contain commercially sensitive information of the company that submitted it. The disclosure is prevented as putting in the public domain information concerning innovative technologies that the company is developing would affect its competitive position on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

We have considered whether partial access could be granted to these documents requested. Unfortunately, partial access cannot be provided as any partial disclosure to the requested documents would result in documents which would be either meaningless or else give rise to misinterpretations, confusion and undue speculations.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

*(e-signed)*

Mauro PETRICCIONE