



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION
Directorate H - Common Implementation Centre
H.1 - Common Legal support service
Head of Unit

B1/RS

By registered letter with acknowledgment of receipt

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Subject: Your application for public access to documents – GestDem Ref No 2021/6467

Dear Ms Indiano,

We refer to your letter dated 28 October 2021 in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001¹.

1. SCOPE OF YOUR REQUEST

Following your email of clarification of 8 November 2021, your request concerned:

For the period between 1 October 2017 to date:

- *a list of the meeting and/or calls between the European Automobile Manufacturers' Association and the [Commissioner and the team assisting him/her], during which "hydrogen vehicles" and/or "electric vehicles" and/or "batteries" and/or "hydrogen" were discussed [including] date, individuals attending and organisational affiliation, as well as the issues discussed;*
- *all minutes and other reports of these meetings and/or calls;*
- *all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place;*
- *all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the [Commissioner and the team assisting him/her], and the European Automobile Manufacturers' Association, including any lobby group and/or*

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

industry representative discussing “hydrogen vehicles” and/or “electric vehicles ” and/or “batteries” and/or “hydrogen”.

We have identified 5 documents falling under the scope of your request (hereinafter the 'requested documents'), all pertaining to activities of our former Cabinet, namely:

1. [RE: letter to Commissioner Moedas ACEA Annual Reception - Ares(2017)6348481] Correspondence between ACEA and our former Cabinet, from 21 December to 9 January 2017, concerning an invitation of Commissioner Moedas to ACEA’s event;
2. ACEA’s letter of invitation attached to document 1;
3. [RE: Enquiry for a meeting about upcoming proposal on new CO2 emission standards for heavy-duty vehicles] Correspondence between ACEA and our former Cabinet from 13 May to 13 April 2018, confirming the meeting of 27 April on the new CO₂ emission standards for heavy-duty vehicles;
4. [Request for meeting with ACEA president June 5 2018] ACEA’s request addressed to Commissioner Moedas dated 25 May 2018 for a meeting on 5 June 2018;
5. Briefing 673 prepared for Commissioner Moedas for the meeting of 5 June 2018, proposed by ACEA in document No 4.

2. EXAMINATION UNDER REGULATION (EC) NO 1049/2001

We are pleased to inform you that partial access can be granted to the requested documents. We have only expunged the personal data, which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, as explained below.

Protection of privacy and the integrity of the individual

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where disclosure would undermine the protection of "*privacy and the integrity of the individual*", in particular in accordance with European Union legislation regarding the protection of personal data².

The requested documents contain personal data such as names, functions, telephone numbers, electronic and professional addresses, CV, handwritten signatures etc. of Commission’s officials not having the function of senior management staff and of the third parties identified in the documents. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('Regulation 2018/1725').

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, we withheld personal data from the requested documents, except for the name and function of individuals forming part of senior management staff of the Commission, disclosed according to the current administrative practice.

3. DISCLAIMER AND RE-USE OF THE DOCUMENTS

You may reuse document No 5 free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume liability stemming from the reuse. This document was drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Research and Innovation. It solely reflects the service'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. It does not reflect the position of the Commission and cannot be quoted as such.

Please note that documents No 1, 2, 3 and 4 contain documents received by the Commission from third parties and they are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

4. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Unit SG C.1 – Transparency, document management & access to documents
BERL 7/076
B-1049 Brussels

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

Yours sincerely,

Reinhard Schulte