



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

General Affairs

Policy planning and implementation, inter-institutional relations

Mr Barnaby PACE
Global Witness
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Belgium

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Brussels,

Subject: Your application for access to documents – Case 2022/5854

Dear Mr Pace,

We refer to your request for access to the European Commission documents registered on 13 October 2022 under the above-mentioned reference number.

You requested access to: “[a]ll documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on September 21 between Florian Denis and RWE AG, Shell Companies and ENGIE.”.

We have identified 11 documents that fall in the scope of your request; they are listed in the attachment.

Please be advised that with regard to all these documents, their full disclosure is prevented by an exception concerning the protection of privacy and the integrity of individuals outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001 because they contain personal data. Article 9(1)(b) of the Data Protection Regulation¹ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted

¹ 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, OJ L 295, 21.11.2018, p. 39.

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, we conclude that pursuant to the combined provision of the Articles and Regulations quoted above, access cannot be granted to the personal data contained in the requested documents.

The documents 1, 2, 3, 4, 7, 8 and 9 originate from a third party. The originators of the documents have been consulted in accordance with Article 4(4) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents with a view to assessing whether an exception provided for in Article 4 of this Regulation is applicable. The originators have agreed to the disclosure of these documents with the redaction of personal data for the reasons explained above. Please also note that the documents 3, 8 and 9 can be retrieved at the website of the originator: <https://www.efet.org/home/documents?id=23>.

The document 11 represents meeting minutes that were drawn up for internal use under the responsibility of the relevant staff member. The minutes solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties, to which the documents refer, who were not consulted on their content. The minutes do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with the position expressed in this letter, 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 its position. Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

or by mail:

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

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

Yours sincerely

Electronically signed

Head of Unit

Attachments: List of identified documents and eight documents (three identified documents can be retrieved online and hence they are not attached to this letter).

² <https://www.ec.europa.eu/transparency/documents-request>