



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Directorate A – Energy policy: Strategy and Coordination  
A.1 – Interinstitutional, Policy Coordination and Planning  
The Head of Unit

Brussels, 21/06/2022  
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Mr Rubén Díaz Grano de Oro  
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Spain

By email: [ask+request-10833-5d0f7374@asktheeu.org](mailto:ask+request-10833-5d0f7374@asktheeu.org)

**Subject: Your application for access to documents – GESTDEM 2022/1498**

Dear Mr Díaz Grano de Oro,

We refer to your email of 15 March 2022 in which you make a request for access to documents, registered on 15 March 2022 under the above-mentioned reference number.

You request access to the following documents:

*[Any and all communications sent between the Commission and the Government of Spain (Ministry for Ecological Transition and the Demographic Challenge, State Secretariat for Energy, Presidency or any other ministry) from 1 January 2020 to the present day on the proposal to decouple the price of electricity in EU member countries from the price of megawatts of gas. I request the inclusion of all correspondence you have exchanged on this issue (including reports, official letters, emails, databases, attachments, minutes and memoranda of meetings, as well as any other type of public document not mentioned in the above list). In addition, I also request the responses to these communications, both from the Commission and from the Government of Spain. In other words, the complete conversations, all the exchange of communications that has taken place.]*

The following documents fall within the scope of your application:

- Letter and Spanish non-paper, 20 September 2021, reference Ares(2021)5746626 (hereafter ‘document 1’), which includes the following annexes:
  - Annex 1: 210920 Carta dirigida al Sr. Frans Timmermans, Ms. Margrethe Vestager y Ms. Kadri Simson (hereafter ‘document 1.1’);
  - Annex 2: Non-Paper on Energy and Electricity Markets (hereafter ‘document 1.2’);

- Letter from Commissioner Kadri Simson, 26 November 2021, reference Ares(2021)7292299 (hereafter ‘document 2’), which includes the following annexes:
  - o Annex 1: Cover Letter (hereafter ‘document 2.1’);
  - o Annex 2: Letter to Ms Calvinio and Ms Ribera (hereafter ‘document 2.2’);

With regard to the documents listed above, a complete disclosure of the identified 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 the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- 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 requested 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.

Please note that 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.

Yours sincerely,

*Electronically signed*

Paula Abreu Marques