



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
The Director-General

Brussels  
CLIMA/A1

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**Subject: Your application for access to documents – Ref GestDem No 2022/2404**

Dear Ms Kieninger,

We refer to your e-mails dated 11 April 2022 in which you make a request for access to documents, registered on the 28 April 2022 under the above-mentioned reference numbers.

The scope of your applications is the following:

- i) *“All correspondence (including email, SMS, private twitter and WhatsApp) since 1st February 2022 between Commissioner Timmermans, and/or his cabinet and/or officials from DG Climate Action with representatives from the oil and gas industry, namely ENTSO-G and ENTSO-G members such as SNAM, Enagas, Gazsystem, Engie, Thüga, Bulgartransgaz, Fluxys, Gasunie, Ontras, Conexus Baltic Grid, Amber Grid, Ren gasodutos and Reganosa as well as Plinacro, Alexela, HEP, Gasunie, Buss Group, Trafigura, Vopak, Enel, Mediterranean Gas, Nord-West-Ölleitung, Tree Energy Solutions, JSC Skulte LNG Terminal, Gastrade, LNG Medgas and HEH (Fluxys, Buss Group, Partners Group) in which the EU's response to Ukraine invasion, particularly the RePowerEU communication was discussed.*
- ii) *Any briefings prepared for Commissioner Timmermans, and/or his cabinet and/or officials from DG Climate Action for meetings since 1st February 2022 with representatives from the oil and gas industry, namely ENTSO-G and ENTSO-G members such as SNAM, Enagas, Gazsystem, Engie, Thüga, Bulgartransgaz, Fluxys, Gasunie, Ontras, Conexus Baltic Grid, Amber*

*Grid, Ren gasodutos and Reganosa as well as Plinacro, Alexela, HEP, Gasunie, Buss Group, Trafigura, Vopak, Enel, Mediterranean Gas, Nord-West-Ölleitung, Tree Energy Solutions, JSC Skulte LNG Terminal, Gastrade, LNG Medgas and HEH (Fluxys, Buss Group, Partners Group) in which the EU's response to Ukraine invasion, particularly the RePowerEU communication was discussed.*

- iii) *List of meetings since since since 1st February 2022 between with representatives from the oil and gas industry, namely ENTSO-G and ENTSO-G members such as SNAM, Enagas, Gazsystem, Engie, Thüga, Bulgartransgaz, Fluxys, Gasunie, Ontras, Conexus Baltic Grid, Amber Grid, Ren gasodutos and Reganosa as well as Plinacro, Alexela, HEP, Gasunie, Buss Group, Trafigura, Vopak, Enel, Mediterranean Gas, Nord-West-Ölleitung, Tree Energy Solutions, JSC Skulte LNG Terminal, Gastrade, LNG Medgas and HEH (Fluxys, Buss Group, Partners Group) in which the EU's response to Ukraine invasion, particularly the RePowerEU communication was discussed.*
- iv) *Minutes of the meetings mentioned above*
- v) *Any briefings prepared ahead of meetings between Commissioner Timmermans, and/or his cabinet and/or officials from DG Climate Action with representatives from the oil and gas industry, namely ENTSO-G and ENTSO-G members such as SNAM, Enagas, Gazsystem, Engie, Thüga, Bulgartransgaz, Fluxys, Gasunie, Ontras, Conexus Baltic Grid, Amber Grid, Ren gasodutos and Reganosa as well as Plinacro, Alexela, HEP, Gasunie, Buss Group, Trafigura, Vopak, Enel, Mediterranean Gas, Nord-West-Ölleitung, Tree Energy Solutions, JSC Skulte LNG Terminal, Gastrade, LNG Medgas and HEH (Fluxys, Buss Group, Partners Group) in which the EU's response to Ukraine invasion, particularly the RePowerEU communication was discussed".*

Your application for access to documents covers topics falling under the responsibility of different Commission services. In that regard, your request was split into two separate requests, whereby each part is attributed to the respective Commission service under a separate Gestdem reference number<sup>1</sup>. Each service provides its own, separate reply, which relates only to the documents held by that service. In this regard, this request corresponds only to documents held by the Directorate General for Climate Action.

The Directorate-General for Climate Action has identified the following documents within the scope of the application:

	Author	Date	Reference
1	ENEL	16 March 2022	Ares(2022)1998610
2	ENEL	16 March 2022	Ares(2022)1998610

<sup>1</sup> Gestdem 2022/2405 was treated by the Secretariat General of the Commission.

3	ENEL/European Commission	18 March 2022	Ares(2022)1998610
4	European Commission	5 April 2022	Ares(2022)2560753
5	European Commission	6 April 2022	Ares(2022)2599113
6	EGEC	11 April 2022	Ares(2022)3054078
7	EGEC and others	11 April 2022	Ares(2022)3054078
8	ENEL	22 April 2022	Ares(2022)3167881
9	ENEL	22 April 2022	Ares(2022)3167881
10	ENEL	22 April 2022	Ares(2022)3167881
11	ENEL	22 April 2022	Ares(2022)3167881
12	ENEL	22 April 2022	Ares(2022)3167881
13	ENEL	22 April 2022	Ares(2022)3407148
14	European Commission	13 April 2022	Ares(2022)3023216

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that 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: names and contact information of Commission staff members not pertaining to the senior management; names 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 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.

In addition, document 14 contains commercially sensitive business information concerning the awarding process under the Innovation Fund. Therefore, these parts are protected under the exception laid down in Article 4(2), first indent of Regulation 1049/2001, which stipulates that '[t]he institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property'. Consequently, the parts covered by this exception have been blanked out in the copy of document 14 attached to this letter.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

According to settled case-law, it is for the applicant to put forward concrete elements to demonstrate the existence of an overriding public interest in the disclosure of the requested documents.

You have not put forward any arguments to demonstrate the existence of an overriding public interest in disclosure. Nor have I been able to identify any public interest capable of overriding the private interest protected by Article 4(2), first and third indent of Regulation (EC) No 1049/2001.

Please note that documents 4, 5 and 14 were drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Climate Action. They do not reflect the official position of the Commission or the third parties to which the documents refers, and cannot be quoted as such.

As regards point iii) of your request, the list of meetings of the Director-General of Directorate-General for Climate Action with organisations and self-employed individuals is available in the link enclosed below:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

In your application you request access to a list of meetings of meetings of all staff in the Directorate-General for Climate Action. Please note that the officials of the European Commission having the status of Director-General shall make public information on all meetings held by them with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union in accordance with the Commission Decision 2104/838/EU, Euratom of 25 November 2014<sup>2</sup>. However, the same obligation does not apply to lower-ranking officials, such as the remaining members of the Directorate-General for Climate Action.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.

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<sup>2</sup> OJ L 343, 28.11.2014, p. 19–21

The Court of Justice held that ‘the right of access to documents of the institutions applies only to existing documents in the possession of the institution concerned and [...] Regulation No 1049/2001 may not be relied upon to oblige an institution to create a document which does not exist. It follows that, [...], an application for access that would require the Commission to create a new document, even if that document were based on information already appearing in existing documents held by it, falls outside the framework of Regulation No 1049/2001’<sup>3</sup>.

In the present case, the Directorate-General for Climate Action does not hold any list of all meetings of its staff with the specific organisations and self-employed individuals concerned by your request in addition to the publicly available information on meetings of the Director-General, which is accessible via the abovementioned links. In this respect, I would like to confirm that compiling such a list in order to fulfil your request would equal to the creation of a new document, as neither can such a list be extracted from a database by means of a normal or routine search.

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

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<sup>3</sup> Judgment of the Court of Justice of 11 January 2017, *Typke v European Commission*, C-491/15 P, EU:C:2017:5, paragraph 31.