



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, 25/11/2022
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Mr Barnaby Pace
Global Witness
Rue de Commerce 31
1000 Brussels
Belgium

by email: ask+request-11011-1c01c462@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/2229

Dear Mr Pace,

We refer to your e-mail of 14 April 2022 in which you make a request for access to documents, registered on 17 April 2022 under the above-mentioned reference number.

You request access to *all 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 February 18 between Kadri Simson and Naftogaz of Ukraine.*

Your application concerns the following documents:

n.	Ares	Date	Title
1	(2022)378107	17/01/2022 14/02/2022	INVITATION KS 18-20/02/22 to Munich Security Conference 2022, physical
2	(2022)6692524	18/02/2022	NO DISCLOSURE 20220218 AL - Meeting Minutes Kadri Simson with Naftogas

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be completely granted, as disclosure of document 2 is prevented by

exceptions to the right of access laid down in Article 4 (1)(a) third indent, and 4 (2) first indent of Regulation (EC) No 1049/2001.

Firstly, a complete disclosure of the identified documents is prevented by the exception concerning the protection of public interest as regards international relations, as outlined in Article 4 (1) (a) third indent of Regulation (EC) No 1049/2001. Access to the names of companies and associations present during these meetings cannot be disclosed as it would reveal content of on-going confidential negotiations between the EU and Ukraine, in a context of geopolitical crisis.

Secondly, a complete disclosure of the identified documents is prevented by the exception concerning the protection of commercial interests of a natural or legal person, including intellectual property, as outlined in Article 4 (2), first indent of Regulation (EC) No 1049/2001. Access to the names of companies present during these meetings risk influencing their competitive position vis-à-vis other companies and, as a consequence, risk hampering the willingness of these companies to cooperate with the EU to secure gas supply.

Article 4 (2) fourth paragraph foresees the possibility to override the refusal based on the protection of commercial interests if there is an overriding public interest in disclosure. 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.

Consequently, I conclude that, pursuant to Article 4 (1) (a) third indent and Article 4 (2) first indent of Regulation (EC) No 1049/2001, access cannot be granted to the names of companies and associations present in the meetings between Kadri Simson and Naftogas.

For document 1, I am glad to inform you that you can have wide partial access to some documents, subject only to the redaction of personal data. Please find enclosed redacted copies of these documents.

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.

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.

Access is granted to minutes of a meeting with external parties. This document was drawn up for internal use under the responsibility of the relevant service. 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. In case you would disagree with this position, 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 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels

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

Yours sincerely,

Ditte Juul Jørgensen