



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR COMPETITION

Markets and cases I: Energy and Environment  
State aid I

Brussels, 27.06.2022  
COMP.B.2/GESTDEM 2022/3433

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*By registered letter with acknowledgment of receipt*

*Advance copy by email: 27.06.2022*

**Subject: Your application for access to documents – Ref GestDem No 2022/3433**

Dear Sir,

We refer to your message dated 14/06/2022 in which you make a request for access to documents, registered on 14/06/2022 under the abovementioned reference number.

Your request access to documents pertains to the two draft delegated regulations published for feedback on 20 May 2022 under Directive (EU) 2018/2001, specifically:

- a) Documents revealing the existence of meetings that have taken place since 1 January 2021 between DG COMP staff on the one hand and representatives of external parties (including but not limited to lobby consultancies and law firms) on the other hand, in which one or both of the Proposed Delegated Acts were mentioned;
- b) Minutes and other reports of these meetings;
- c) All correspondence (including emails, letters, attached documents and enclosures) since 1 January 2021 between DG COMP staff on the one hand and representatives of external parties (including but not limited to lobby consultancies and law firms) on the other hand, in which one or both of the Proposed Delegated Acts were mentioned.

I consider your request to cover documents held up to the date of your initial application, i.e. 14/06/2022.

Your application concerns the following document:

- Document 1: Email correspondence between DG COMP and the Regulatory Assistance Project; 31/05/2022 to 01/06/2022; Subject – ‘Renewable hydrogen delegated acts’.

With regard to the document 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 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 document, 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 a document originating from a third party is 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from its reuse.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Nicola PESARESI  
Head of Unit