



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, 09 June 2023
ENER/TF.3/FB/mc
ener.tf.3(2023)4995151

NOTE FOR THE FILE

Subject: Your request to access to documents – ATD 2023/1421 - reply to your initial request

Dear Mrs Gullery,

I refer to your request for access to European Commission documents under Regulation (EC) No 1049/2001 made on 2 March 2023 and registered under the reference 2023/1421.

In particular, you requested all documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting:

1. Between the American Chamber of Commerce to the EU (AmCham EU) and Cabinet members of Commissioner Kadri Simson, Stefano Grassi and Laure Chapuis-Kombos, on 31/01/20
2. Between Danfoss A/S and Director-General Ditte Juul Jørgensen on 30/06/22

Of the following documents, the first five pertain to the first meeting while the last concerns the second meeting:

1. **AmCham EU – Agenda For Action**
2. **AmCham EU – Congratulatory letter Ms Simson**
3. **Meeting Minutes AmChamEU 31-01-2020**
4. **Simson Congratulatory Letter**
5. **email**
6. **Briefing for the Director-General Juul- Jørgensen U.S.**

After examining the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, it was concluded that it may be partially disclosed.

Regarding documents 1 to 5, parts of the documents cannot be disclosed, as full disclosure is prevented by the application to part of their content of the exceptions provided in the third indent of Article 4(1)(b) (protection of the privacy of the individual).

Regarding document number 6, parts of the document cannot be disclosed, as full disclosure is prevented by the application to part of their content of the exceptions provided in the third indent of Article 4(1)(a), third indent (protection of public interest as regards international relations), Article 4(1)(b) (protection of the privacy of the individual), and Article 4(2), first indent (protection of commercial interests of a natural or legal person), of Regulation (EC) No 1049/2001.

In particular, the redacted parts of the documents in pages 1,2, and 11 are due to the presence of personal data of individual persons. Pages 10 and 11 are redacted as they contain commercial information, such as proprietary market analysis and turnover figures, that, if shared, could potentially negatively affect the commercial interest of the companies involved and their competitive standing. Therefore, this falls under the Article 4(1)(b) (protection of the privacy of the individual) and Article 4(2) (protection of commercial interest) of Regulation (EC) No 1049/2001, making it so that in the absence of an overriding public interest on the disclosure, which we cannot identify, it cannot be shared.

On the other hand, some pages are withheld from the disclosed document in the light of geopolitical considerations and political sensitivity in the context of EU/US energy collaboration, as their disclosure would be viewed negatively by the EU's international partners and therefore undermine the protection of the public interest in respect of international relations within the meaning of Art. 4(1)(a) of the of Regulation (EC) No 1049/2001.

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 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 portal¹ account** (available only for initial requests submitted via the portal account)
- **by mail:**

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

¹ <https://www.ec.europa.eu/transparency/documents-request>

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

Yours sincerely,

Ditte Juul Jørgensen
Director-General