Subject: Your access to document request EASE 2023/1546

Dear Mr Hoedeman,

I refer to your request of 8 March 2023 for access to document, registered the same day under the above-mentioned reference number.

Your application concerns the following documents:

“1) minutes and other notes from DG Energy's meetings (including online meetings) with lobbyists (from March 1st 2022 until today) in which the reform of the EU’s electricity market design was discussed;

2) all correspondence between DG Energy and lobbyists in which the reform of the EU’s electricity market design was discussed - from March 1st 2022 until today. “

Following the examination of your request, I would like to inform you that as the possible reform of the electricity market design was announced in the Communication SWD(2022)236 on 18 May 2022, we consider your request to cover documents held between 18 May 2022 and 8 March 2023 (date of your request).

However, scope of your application remains very broad and concerns a large number of documents, which would need to be assessed individually, number of passages (such as personal data) would need to be censored, some documents would need to be consulted with the third parties in accordance with Article 4(4) of Regulation (EC) No 1049/2001. Handling your application, would involve an unreasonable administrative burden and would be disproportionate.

The fact that we are still facing the energy crisis and workload of our services is very important at the moment, moreover the fact that we currently receive a very important number of access to document

1  https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A236%3AFIN&qid=1653032581730
requests, with a view to safeguarding the interests of good administration, we see ourselves obliged to balance your possible interest in access against the workload resulting from the processing of your application. This is in line with the case law of the EU Courts\(^2\).

We have therefore, proceeded to the restriction of the scope of your application to minutes of meetings, held by the Directorate-General for Energy between 18 May 2022 and 8 March 2023.

Consequently, please find attached **48 documents** listed below:

- ENER 264 Meeting C3 with E3G 24.05.22_Redacted
- ENER 310 Meeting C3 with CERRE 29 June 2022_Redacted
- ENER 313 Virtual meeting CSM with Euromines_Redacted
- ENER 347 C3 and MW Meeting with Orsted minutes_Redacted
- ENER 355 C3 call with Flouence_Redacted
- ENER 375 Virtual meeting CSM with Elia minutes_Redacted
- ENER 381 C3 Meeting with SolarPower 11 July 2022_Final_Redacted
- ENER 389 Virtual meeting CSM with SmartEN minutes_Redacted
- ENER 463 CSM call with assoc. of energy users Finland_Redacted
- ENER 483 CSM Physical meeting with ReScoop minutes_Redacted
- ENER 491 C3 Meeting with UFE r_Redacted
- ENER 496 CSM Virtual meeting with EON minutes_Redacted
- ENER 509 Physical meeting CSM and EIT minutes_Redacted
- ENER 511 Virtual meeting CSM with Iberdrola minutes_Redacted
- ENER 512 C3 Meeting with Knauf Energy solutions 24.10.22_Redacted
- ENER 520 C3 Meeting with PGE_Redacted
- ENER 532 Virtual meeting CSM with EDF minutes_Redacted
- ENER 533 Virtual meeting CSM and Fingrid minutes_Redacted
- ENER 534 CSM Physical meeting with EPICO minutes_Redacted
- ENER 539 Physical meeting CSM with ENEL Background doc Market Design
- ENER 539 Physical meeting CSM with ENEL minutes_Redacted
- ENER 543 C3 with BDEW Meeting minutes_Redacted
- ENER 551 Physical meeting B4 with EASE minutes 29.11.22_revised_Redacted
- ENER 558 C3 and Energinet 22_08025-15 Excessive Price Control Mechanism
- ENER 558 C3 and Energinet Concerns
- ENER 558 C3 and Energinet Minutes Meeting with Energinet 30-11-2022_Redacted
- ENER 561 - C3 Meeting + Confindustria 09.11.22_Redacted
- ENER 561 - Confindustria_Implementation path for the new market design_09112022
- ENER 561 - Studio mercato elettrico - Confindustria ENG_Redacted
- ENER 573 Meeting Pierre Schellekens with Vattenfall minutes 9.12.22_AT_Redacted
- ENER 575 C3 Minutes Meeting with Orsted_ANRA_Redacted
- ENER 588 Physical meeting CSM and UPM minutes_Redacted
- ENER 595 C3 Meeting with Scheider Electric_Redacted

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I am glad to inform you that all listed documents related to the reform of electricity market design can be disclosed, subject to the redaction of personal data. Moreover, minutes listed as 539, 558 and 561 contain position papers originating from the third parties which are disclosed to you based on Regulation (EC) No 1049/2001. With regard to minutes containing also other topics than the electricity market design reform, these parts were removed as they are not falling under the scope of your request.

With regard to personal data of the documents listed below, 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

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

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.

names of main representatives, 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 the 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.

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 portal⁴ account (available only for initial requests submitted via the portal account),

or by mail:

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

Yours sincerely,

Ditte Juul Jørgensen

p.p. Massimo Garribba,
Deputy Director-General

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