



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Director-General

Brussels, **22 JUN 2016**
ener.a.1.dir/RK/ssp(2016)3338127

Ms Marijke Vermander
Corporate Europe Observatory
Rue d'Edimbourg 26
1050 Brussels
Belgium

Subject: Your request under Regulation (EC) 1049/2001 regarding public access to documents (GestDem/2016/1531)

Dear Ms Vermander,

I refer to your request for access to documents of 25 March 2016 pursuant to Regulation (EC) 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, called "the Regulation" in the following. You asked for the disclosure of *All documents from January 1st 2015 to date (including emails) between European Commissioner Cañete and Vice-president Šefčovič, members of their Cabinets and other staff members of DG ENERGY; and stakeholders including research institutes, companies, lobby associations, consultancy or law firms, on the topic of biomass in relation to the new renewable energy directive for the period after 2020.* You also requested *A complete list of meetings held on this issue between European Commissioner Cañete and Vice-president Šefčovič, members of their Cabinets and other staff members of DG ENERGY from January 1st 2015 to date, with the stakeholders as mentioned above, and the full minutes or reports from those meetings, as well as participants lists of those meetings.*

After thorough research and analysis of our documentation resources, I am pleased to inform you that 14 documents being in our possession have been identified as falling in the scope of your request:

1. E-mail from Drax of 2 October 2015
2. E-mail from BirdLife Europe of 30 April 2015
3. "Petals and potentials. The role of bioenergy in the EU climate and energy policy post 2020"
4. E-mail from American Forest and Paper Industry Association of 12 May 2011

5. E-mail from US Industrial Pellet Association of 16 February 2015
6. E-mail from Natural Resources Defense Council of 18 May 2015
7. NRDC Issue Brief “Think Wood Pellets are Green? Think Again” of May 2015
8. “Wood Pellet Feedstock Investigation in Ahoskie, North Carolina: December 2014”
9. E-mail from NRDC of 5 November 2015 (The Problems with Wood Pellet Bioenergy: Eight New Developments)
10. E-mail from Europanel of 6 March 2015
11. E-mail from Europanel of 19 March 2015
12. BioSustain stakeholder consultation workshop of 7 December 2015 – Agenda
13. BioSustain stakeholder consultation workshop of 7 December 2015 – Background paper
14. Minutes – meeting of Danish Energy Association of 14 September 2015

Nine of those documents (numbered 1-9 above) have already been disclosed to you in our e-mail of 17 May 2016. Further four documents (numbered 10-13 above) can also be disclosed to you and are attached to this letter.

As far as document 14 is concerned, it can only partially be disclosed in order to protect the privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. Therefore, some parts of the document have been blanked out.

With regard to personal data, 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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from these personal data. If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such confirmatory applications as mentioned above should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,



Dominique Ristori

Annex: 5 documents