



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

27 MARS 2018

Brussels,  
JP/cvc/ener.a.3.dir(2018)1575924

*By registered letter with acknowledgment of receipt*

Peter Teffer  
EU observer  
Rue Montoyer 18B  
1000 Brussels

*Copy by email:*  
[ask+request-4974-ae23bf79@asktheeu.org](mailto:ask+request-4974-ae23bf79@asktheeu.org)

**Subject: Your application for access to documents - GestDem 2018/0636**

Dear Mr Teffer,

I refer to your e-mail dated 08 January 2018, addressed to the European External Action Service, in which you make a request for access to documents. Your application covers areas falling under the responsibility of different Directorates-General of the European Commission, where it has been registered on 30 January 2018.

This reply covers documents held by the Directorate-General for Energy. You have received (or will receive) replies from the other Directorates-General in due course.

You request access to all communications between the European Union and the United States about the Eighth EU-US Energy Council, the EU-US Climate Change Working Group, as well as all documents since 01 January 2016 with references to the meetings of the EU-US Energy Council Energy Technology, Energy Policy, Energy Security and Climate Change Working Groups.

Your application concerns the following documents:

	type	date	Author/sender
1	Letter Ares(2017)S 1062662	28/03/2017	Vice President Šefčovič and Commissioner Arias Cañete
2	Letter	10/05/2017	US Secretary of Energy Perry to Vice President Šefčovič
3	Letter	10/05/2017	US Secretary of Energy Perry to Commissioner Arias Cañete
4	Email Ares(2018)1363461	14/07/2017	Directorate General for Energy
5	Agenda of meeting of the Energy Policy Working Group	03/03/2016	Directorate General for Energy and the US Department of Energy
6	Agenda of meeting of the	15/11/2016	Directorate General for Energy and the

	Energy Policy Working Group		US Department of Energy
7	Draft agenda of meeting of the Energy Policy Working Group	06/12/2017	Directorate General for Energy and the US Department of Energy
8	Agenda of meeting of the Energy Security Working Group	17/5/2017	Directorate General for Energy and the US Department of State
9	Presentation	03/03/2016	Directorate General for Energy
10	Presentation	03/03/2016	Directorate General for Energy
11	Presentation	03/03/2016	US Department of Energy
12	Presentation	03/03/2016	US Department of Energy
13	Presentation	15/11/2016	Directorate General for Energy
14	Presentation	15/11/2016	US Department of Energy

Documents 2, 3, 5, 6, 7, 8, 11, 12 and 14 contain elements wholly or partially emanating from third parties and we have consulted them.

With respect to documents 2, 3 and 8, we have not yet received a reply from the third party concerned. Therefore, with respect to these documents we will only be able to decide about your request at a later stage.

With respect to the other documents requested, following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the document originators, I regret to inform you that your application cannot be granted for document 4 and only partially for documents 1, 5, 7, 11 and 12 as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation. Documents 6, 9, 10, 13 and 14 as well as redacted versions of documents 1, 5, 7, 11 and 12 are enclosed.

For document 4, this concerns discussions on the issues that could be discussed when the next meeting of the EU-US Energy Council takes place. The disclosure of this document would undermine the position of the European Union in its relations with the United States of America, as it would reveal deliberations on possible strategies and exchanges of opinions for internal use at an operational level, ultimately intended to provide input for the Council of the European Union to form a position in this context. The withheld document 4 is therefore protected pursuant to Articles 4(1)a, third indent, concerning the public interest as regards international relations, and 4(3) first paragraph, pertaining to the institutions' decision-making process.

I have also considered whether partial access to document 4 could be granted. However, the exceptions pursuant to Articles 4(1)a, third indent, and 4(3) first paragraph, cover almost the entire document, to the extent that the remaining parts after expunging the confidential information would be meaningless or illegible.

The partially disclosed documents 1, 5, 6, 7, 11 and 12 contain personal data, in particular the names and e-mail addresses of Commission staff not occupying senior management positions and other natural persons as well as, for document 1, the signatures of the Vice President and Commissioner.

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 of the European Parliament and of the Council of 18 December 2000 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 data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

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.

I 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, I am disclosing a version of the documents requested in which these personal data have been redacted.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make 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 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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

  
Dominique Ristori

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.