



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels,
ENER/DJJ/RSa/fm(2020)s1097506

By registered letter with acknowledgment of receipt

M. Adrian Naughton
Office of Mick Wallace MEP
60, rue Wiertz / Wiertzstraat 60
B-1047 Bruxelles/Brussel
BELGIUM

Advance copy by email : ask+request-7562-c8402d29@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2020/0169

Dear Sir Naughton,

We refer to your message dated 09/01/2020 in which you make a request for access to documents, registered on 09/01/2020 under the above-mentioned reference number.

You request access to:

- All correspondence (including emails) between DG Energy officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies (including lobby consultancies and law firms) and/or industry associations, in relation to Ireland and the 4th gas Projects of Common Interest list (between January 2019 and today).
- A list of meetings between DG Energy officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies, including lobby consultancies and law firms, and/or industry associations, in relation to Ireland and the 4th gas Projects of Common Interest list (between January 2019 and today).
- Minutes and other reports of these meetings.

We consider your request to cover documents ranging from the beginning of the elaboration process of the 4th PCI list, in November 2018 for the gas projects, held up to the date of your application, i.e. 09/01/2020. Your application concerns the documents listed in Annex.

Having examined the documents and the attachment requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed.

Some parts of the document Ares(2020)941261 have been blanked out as its disclosure is prevented by exceptions concerning the protection of privacy and the integrity of the individual pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, because it contains 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 [email address].

Regarding the second document (Ares(2020)941316), since this one originates from a third party, the originator of the document has been consulted.

The authors of the document **have objected to disclosure** of the document and have motivated their position as follows: “In this regard, access to document 941316 would disclose third party’s future operational plans to the public, including to its competitors and therefore inhibit his ability to enter the gas supply market in Ireland, establish market share and earn profit.”,

On the basis of the information provided by the third party, we consider that disclosure of the document is prevented by the exception laid down in Article 4(2), first indent, of the Regulation, as it would undermine the commercial interests of a natural or legal person.

According to that provision:

“The institution shall refuse access to a document where disclosure would undermine the protection of:

- *commercial interest of a natural or legal person, including intellectual property... unless there is an overriding public interest in disclosure.”*

The above mentioned exception applies unless there is an overriding public interest in disclosure. Based on your request, we have not been able to identify such an overriding public interest.

Since the exception laid down in Article 4(2), first indent, of the Regulation applies to the whole of the document in question, we also are not able to grant partial access to this document.

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 within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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,

[e-signed]
Ditte Juul Jørgensen

ANNEX – LIST OF DOCUMENTS COVERED BY THE REQUEST

REQUESTED DOCUMENT	DESCRIPTION OF THE DOCUMENTS FALLING UNDER THE SCOPE OF THE DEMAND	ARES REFERENCE
<p>All correspondence (including emails) between DG Energy officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies (including lobby consultancies and law firms) and/or industry associations, in relation to Ireland and the 4th gas Projects of Common Interest list (between January 2019 and today).</p>	<p>- Email from Shannon LNG sending a PowerPoint presentation prior to the Regional Group Meeting on 07/05/2019 – 03/05/2019 - Email from Shannon LNG on project update – 19/02/2019</p>	<p>Ares(2020)941261 Ares(2020)941316</p>
<p>A list of meetings between DG Energy officials and/or representatives (including the Commissioner and the Cabinet) and representatives of individual companies, including lobby consultancies and law firms, and/or industry associations, in relation to Ireland and the 4th gas Projects of Common Interest list (between January 2019 and today).</p>	<p>No meetings besides the Regional Group Meetings. The list is available on ec.europa.eu/energy/</p>	
<p>Minutes and other reports of these meetings.</p>	<p>None besides the Regional Group Meetings. Minutes are available on circabc.europa.eu</p>	