



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Director-General

Brussels, 18/05/2021
ENER/C3/EL/el D(2021) 3233652

Barnaby Pace
Global Witness
Rue Belliard 53
B-1000 Bruxelles,

by email: ask+request-9142-c5a8b161@asktheeu.org

Subject: Your application for access to documents – Ref. GestDem 2021/1162

Dear Mr Pace,

We refer to your access to document requests sent on 1 March 2021, and registered under the above-mentioned reference numbers, in which you made requests for access to documents under Regulation (EC) No 1049/2001.

You request to access:

- 1) All correspondence, including emails, sent and received since 01/01/2017, between the Commissioner for Energy, their cabinet, officials, any other representatives of DG Energy, and representatives from European Network for Transmission System Operators for Gas (ENTSO-G).
- 2) A list of meetings, including the meeting's agenda and minutes, since 01/01/2017, between any officials and representatives of DG Energy and ENTSO-G.
- 3) All documents - including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations - related to the following meetings with representatives of ENTSO-G:

03 April 2020 - Thor-Sten Vertmann Stefano Grassi & Commissioner Kadri Simson - Impact of the COVID-19 crisis on the gas security of supply, lessons learned and way forward, developments on the gas market (DG Energy);

16 January 2020 - Stefano Grassi Kitti Nyitrai & Commissioner Kadri Simson - European Green Deal including possible contribution of gas, hydrogen; energy security (DG Energy);

23 March 2017 - Joachim Balke & Commissioner Miguel Arias Cañete - “Can Gas Spur the Energy transition in Central and Eastern Europe? (DG Climate & Energy)”.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have identified **89** documents numbered **1 - 57** falling in the scope of your request between 01/01/2017 and 01/03/2021 (date of your request), which are listed in the annex to this letter.

Documents numbered 1 – 30 concern correspondence originating from ENTSOG, documents 31-49 are addressed to ENTSOG, and documents 50 - 57 are meeting reports.

In relation to the point 1 of your request, I would like to inform you as follows:

Concerning documents numbered 1 - 30, since they originate from third parties, the originators of the documents have been consulted and they did not oppose to their disclosure with personal data expunged. I am glad to inform you that all documents 1 - 30 can be disclosed, subject only to the redaction of personal data.

In this respect, some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 paragraph 1 (b) of Regulation (EC) No 1049/2001 because they contain the 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 European Union legislation regarding the protection of personal data.

Article 9(1)(b) of the Data Protection Regulation¹ 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.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, with exception for 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 without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please find enclosed the redacted copies of the documents in question.

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

Concerning documents numbered 32 – 49, addressed to ENTSG, I am glad to inform you that following an examination under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, all documents can be disclosed, subject only to the redaction of personal data, for the same reasons as described above.

Please find enclosed the redacted copies of the documents numbered 32 - 49.

Concerning document numbered 31, which originates from the Commission, I regret to inform you that your application cannot be granted, as disclosure of this document is prevented by exceptions to the right of access laid down in Article 4(1) of this Regulation.

This document concerns gas transit through Ukraine and its disclosure would undermine the protection of the public interest as regards international relations, as it would reveal the considerations relevant for international relations of the EU, Ukraine and Russia. Therefore the exception laid down in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001 applies to this document.

Concerning documents numbered 50 - 57 (minutes of the meetings), I am glad to inform you that all documents can be disclosed, subject only to the redaction of personal data, for the same reasons as described above.

In relation to the point 2 of your request, “list of meetings (...)”, I regret to inform you that no such document have been found. Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

General information on the meetings with the participation of the Commissioner, her Cabinet, or our Director-General is available in the public domain:

https://ec.europa.eu/commission/commissioners/2019-2024/simson_en#calendar

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=61569260-525e-42f8-aa52-51d7bfc30d4f>

In relation to point 3 of your request, documents numbered 59 and 60 correspond to your request and they are enclosed to this letter with personal data redacted. In relation to meeting of 23 March 2017, I regret to inform you that after consultation of the Cabinet’s archives, we were informed that no documents related to this meeting, had been found.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

In case you would disagree with this assessment, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. ‘Transparency, Document Management and Access to Documents’

BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

Ditte Juul Jørgensen

Annex: 1

Enclosures: 88

Annex: List of documents

<u>N</u>	<u>Reference</u>	<u>Title (or file name)</u>	<u>Date</u>
1	Ares(2020)2629915	LT from ENTSOG concerning the energy transition initiatives by Gas TSOs	05-05-2020
2	Ares(2020)7409328	Invitation to Speak at ENTSOG's online Annual Conference 2020 - 8 December 2020 (Panel 2) - Catharina Sikow-Magny DG ENER	16-10-2020
3	Ares(2020)7407291	Follow-up ENTSO-G	02-11-2020
4	Ares(2020)7721088	ENTSOG Concerns about the calculation of REMIT Fees (Table 4)	17-12-2020
5	Ares(2020)4855195	Joint letter of the gas industry on revision of the EU ETS Monitoring and Reporting Regulation	10-09-2020
6	Ares(2020)6143125	VTC INVITATION KS 08/12/2020 - speaker @ ENTSOG's online Annual Conference : the future of Gas Grids - TSO working for Decarbonisation and Energy System Integration	30-10-2020
7	Ares(2020)2330568	Update of TEN-E - meeting with ENTSO-G 13 January 2020	20-12-2019
8	Ares(2020)3920836	Letter on ENTSOG application - Clean Hydrogen Alliance	24-07-2020
9	Ares(2020)1862293	FW: Letter of opinion, ENTSOG recommendations on REMIT Fees	30-03-2020
10	Ares(2020)5194781	Meeting ENTSOG	18-09-2020
11	Ares(2020)3061594	Request for an e-meeting	11-06-2020
12	Ares(2021)438239	Advisory Panel for Future Gas Grids ENTSOG meeting	15-01-2021
13	Ares(2021)761778	RE: ENTSOG Concerns about the calculation of REMIT Fees (Table 4)	29-01-2021
14	Ares(2021)1023704	BREXIT and ENTSGs	28-01-2021
15	Ares(2017)98287	Revision of the Gas Security of Supply Regulation	06-01-2017
16	Ares(2017)1846907	Cost-benefit analysis for gas PCI candidates - Response to your letter 30 March 2017	05-04-2017
17	Ares(2017)1901514	RE: Ares(2017)1699703 - Cost-benefit analysis for gas PCI candidates	05-04-2017
18	Ares(2017)1900998	RE: Ares(2017)1196727 - Clarification on the inclusion of a PCI candidate in the TYNDP	28-03-2017
19	Ares(2018)5528631	ENTSOG submission of the Adapted 2nd CBA Methodology for Commission approval	23-10-2018
20	Ares(2020)2765993	RE: Ares(2020)2643942 - Consultation ENTSG pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and	28-05-2020

		Commission documents – Ref No GestDem 2020/1188	
21	Ares(2021)1121499	RE: ENTSG Concerns about the calculation of REMIT Fees (Table 4)	09-02-2021
22	Ares(2021)112866	RE: ENTSG Concerns about the calculation of REMIT Fees (Table 4)	06-01-2021
23	Ares(2021)1023733	REPLY: BREXIT and ENTSGs	05-02-2021
24	Ares(2021)2440434	Invitation to 2nd meeting of ENTSG Advisory Panel for Future Gas Grids	23-03-2021
25	Ares(2019)7598334	INVITATION KS 11_12_2019 Brussels - keynote speech ENTSGs 10-Year Anniversary Event - letter	11-12-20219
26	Ares(2020)5583121	Invitation KS - 8 December 2020 - ENTSG's online Annual Conference - Letter	15-10-2020
27	Ares(2021)2735344	POSITIVE REPLY TEN-E Regulation discussion with ENTSGs	19-01-2021
28	Ares(2020)7124142	ENTSG position paper on the TEN-E revision	26-11-2020
29	Ares(2020)7657679	Thank you letter to KS following contribution to the ENTSG Annual Conference 2020 08_12_2020	16-12-2020
30	Ares(2017)6026052	cs ENTSG and FSR Online Training Course for Gas Network Codes	08-12-2017
31	Ares(2019)479655	Gas transit through Ukraine after 2019	28-01-2019
32	Ares(2017)2271430	Invitation to the Energy Infrastructure Forum 2017 - EIB	03-05-2017
33	Ares(2017)623276	Revision of the Gas Security of Supply Regulation - ENTSG's preliminary assessment of risks and concerned Member States for regional cooperation	12-01-2017
34	Ares(2017)1851042	Cost-benefit analysis for gas PCI candidates - Response to your letter 30 March 2017	06-04-2017
35	Ares(2017)589310	Transmission infrastructure investment needs post 2020 – cooperation with the data collection -ENTSG	02-02-2017
36	Ares(2017)1699703	Cost-benefit analysis for gas PCI candidates	30-03-2017
37	Ares(2017)1196727	Clarification on the inclusion of a PCI candidate in the TYNDP	06-03-2017
38	Ares(2018)6074223	Timing for the procedure related to the adoption by COM of the 2nd CBA methodology for gas.	26-11-2018
39	Ares(2018)4128032	Implementation of Virtual Interconnection Points in accordance with Commission Regulation (EU) 2017/459	18-07-2018
40	Ares(2019)1507756	Invitation to the launch of the PCI Energy Days, 19-20 March, Brussels	05-03-2019
41	Ares(2019)2501676	Invitation to the fifth Energy	28-03-2019

		Infrastructure Forum 2019 - ENTSG	
42	Ares(2020)2643942	Consultation ENTSG pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents – Ref No GestDem 2020/1188	20-05-2020
43	Ares(2020)7407318	POSITIVE REPLY: Follow-up ENTSG-G	04-11-2020
44	Ares(2020)7409348	POSITIVE REPLY: Invitation to Speak at ENTSG's online Annual Conference 2020 - 8 December 2020 (Panel 2) - Catharina Sikow-Magny DG ENER	28-10-2020
45	Ares(2020)5194795	POSITIVE REPLY: Meeting ENTSG	25-09-2020
46	Ares(2020)3061613	POSITIVE REPLY: Request for an e-meeting	12-06-2020
47	Ares(2021)438246	NEGATIVE REPLY: Advisory Panel for Future Gas Grids ENTSG meeting	19-01-2021
48	Ares(2020)6905512	Reply Invitation to speak at ENTSG online Annual Conference - 8 Dec_ 2020	19-11-2020
49	Ares(2019)7614404	Reply ENTSG's 10-Year Anniversary Event Invitation - December 2019 - Brussels	10-12-2019
50	Ares(2021)2834447	Meeting between Entsg and DG Energy on Brexit	11-02-2021
51	Ares(2021)2770048	Meeting between Director Catharina SikowMagny and ENTSG-E and ENTSG-G	17-02-2021
52	Ares(2021)2739177	Meeting ENTSG and CSM Report	09-07-2020
53	Ares(2021)1801464	Speech - ENTSG-G Annual Conference 8.12.2020	08-12-2020
54	Ares(2021)338960	Minutes Meeting ACER and ENER-B2 with ENTSG on ACER REMIT fees	13-01-2021
55	Ares(2021)2937815	Meeting report: B2 and ENTSG on gas quality	26-02-2021
56	Ares(2020)933610	KN - Meeting K. Simson with ENTSG-G	16-01-2020
57	Ares(2020)2097319	TV - Videoconference report Kadri Simson with ENTSG-G updating SoS situation	03-04-2020