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Mr Olivier Petitjean
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Email: ask+request-11750-9d85e0c1@asktheeu.org

Subject: Your access to document request Gestdem 2022/4701

Dear Mr Petitjean,

I refer to your request of 18 August 2022 for access to documents, registered the same day under the above-mentioned reference number.

You request access to:

“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meetings listed below:

- 1. Between BASF and Ditte Juul Jørgensen (Director-General) on 19th May 2022.*
- 2. Between TotalEnergies and Ditte Juul Jørgensen (Director-General) on 17th May 2022.*
- 3. Between Shell Companies and Tatiana Marquez Uriarte (Cabinet member), Stefano Grassi (Cabinet member) on 17th March 2022.*
- 4. Between Cefic and Kitti Nyitrai (Cabinet member), Kadri Simson (Commissioner) on 15th February, 2021*
- 5. Between Cefic and Ditte Juul Jørgensen (Director-General) on 31st January, 2021*
- 6. Between LyonDellBasell and Dominique Ristori on 30th April 2019.”*

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I am glad to inform you that we identified documents related to **points 1 and 4** of your request, which can be disclosed, subject only to the redaction of personal data. Regarding point 1. BASF, parts of document Ares(2022)8815770, which fall outside the scope of your request, have been redacted as well as appropriate.

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 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.

Regarding **point 2. TotalEnergies**, please note that the documents originating from third parties and the briefing can be disclosed to you only partially. As regards two annexes of the email of 14.06.2022 (Ares(2022)4413261) of TotalEnergies: “*Note on Biomethane*” and “*Note on US-EU LNG trade*” as well as part of the briefing has been redacted. Their disclosure is prevented by exception to the right of access laid down in Article 4(2) of this Regulation as they contain commercially sensitive business information of the company that submitted it.

The cover email and two other annexes are attached. 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. The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

With regard to **point 3.** documents originating from Commissioner Simson and/or her cabinet, we are awaiting contribution from the Cabinet and will be able to complement this reply only once we receive it.

As regards the documents listed in your request under point **5**, I regret to inform you that no documents 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.

For **point 6** the briefing is attached, no other documents have been identified.

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.

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.

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

Director General for Energy

List of documents:

	DATE	ORGANISATION	Registration number
1.	19.05.2022	Call/meeting Between BASF and Ditte Juul Jørgensen (Director-General)	Ares(2022)8815770 email exchanges and briefing Ares(2022)8858304 ²
2.	17.05.2022	Call/Meeting Between TotalEnergies and Ditte Juul Jørgensen (Director-General)	Ares(2022)4413261: follow up email after the meeting which refers to the meeting on 17th of May and two annexes: <i>Note on Digestate for Biomethane production, Note on the European Union Energy Platform</i> , briefing Ares(2023)598838 ³
3.	17.03.2022	Call/meeting between Shell Companies and Tatiana Marquez Uriarte (Cabinet member), Stefano Grassi (Cabinet member)	awaiting contribution from the Cabinet of Commissioner Simson
4.	15.02.2021	Meeting between Cefic and Kitti Nyitrai (Cabinet member), Kadri Simson (Commissioner)	Email exchanges - Ares(2021)671654 Minutes - Ares(2021)1326243 ⁴
5.	31.01.2021	Call/meeting Between Cefic and Ditte Juul Jørgensen (Director-General)	<i>There was no call or meeting on that day with CEFIC thus no documents held</i>
6.	30.04.2019	Meeting between LyonDellBasell and Dominique Ristori	briefing - Ares(2023)143694

² This document was drawn up for internal use under the responsibility of the relevant officials of the Cabinet of Commissioner Simson. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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