



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate C – Green Transition and Energy System Integration
C.3 – Internal Energy Market

Brussels 11.10.2023
ENER.C.3/KD/ENER.C.3

Mr Olivier Petitjean
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Subject: Second reply to 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, in addition to our reply of 2 February 2022, with reference: Ares(2023)766948, following a contribution received from the cabinet of Commissioner Simson with regard to **points 3 and 4** of your request, I am glad to inform you that we identified further documents, which can be disclosed, subject only to the redaction of personal data.

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.

Please note that **documents numbered 2, 3 and 5 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.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

or by mail:

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)

Christof LESSENICH

Head of Unit

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.

² <https://www.ec.europa.eu/transparency/documents-request>

Annexes:

| | DATE | ORGANISATION | Registration number |
|----|-------------|--|--------------------------------|
| 1. | 18.01.2021 | Cefic meeting request | Ares(2021)432582 |
| 2. | 27.01.2021 | Cefic email exchanges | Ares(2021)671654 |
| 3. | 15.02.2021 | Meeting Minutes of the meeting between Cefic and Kitti Nyitrai (Cabinet member), Kadri Simson (Commissioner) | Ares(2021)1326243 ³ |
| 4. | 15.02.2021 | Briefing for the meeting between Cefic and Kitti Nyitrai (Cabinet member), Kadri Simson (Commissioner) | Basis 399 ⁴ |
| 5. | 03.03.2022 | Meeting request Shell | Ares (2023)541156 |
| 6. | 17.03.2022 | Meeting Minutes Shell | Ares(2023)2944856 ⁵ |

³ 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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