



## EUROPEAN COMMISSION

Directorate-General for Trade

Directorate R - Resources, Inter-Institutional Relations, Communications and Civil Society  
**R.3 Transparency, Civil Society and Communications**

The Head of Unit

Brussels,  
R3/ML/JT

Mr Barnaby Pace  
Rue de Commerce 31  
1000 Bruxelles  
Belgium

**By email only –with request for  
explicit acknowledgment of receipt by  
email reply:**

[ask+request-12646-4dcedefa@asktheeu.org](mailto:ask+request-12646-4dcedefa@asktheeu.org)

### **Subject: Your application for access to documents – EASE 2023/1273**

Dear Mr Pace,

I refer to your application dated 23 February 2023, in which you make a request for access to documents under Regulation (EC) No 1049/2001<sup>1</sup> ('Regulation 1049/2001'), registered on the same date under the above-mentioned reference number.

#### **1. SCOPE OF YOUR REQUEST**

In your request, you asked for access to:

*“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 meeting on February 16 between Valdis Dombrovskis and TotalEnergies SE, Eni S.p.A., OMV Aktiengesellschaft, ENGIE and ExxonMobil Petroleum & Chemical.”*

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

## 2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

In accordance with settled case law<sup>2</sup>, when an institution is asked to disclose a document, it must assess, in each individual case, whether that document falls within the exceptions to the right of public access to documents set out in Article 4 of Regulation 1049/2001.

In view of the objectives pursued by Regulation 1049/2001, notably to give the public the widest possible right of access to documents<sup>3</sup>, *'the exceptions to that right [...] must be interpreted and applied strictly'*<sup>4</sup>.

In reply to your request, I can inform you that we have identified **two documents** that fall within the scope of your request:

- Meeting minutes – Ares (2023) 1224824
- Meeting speech – Ares (2023) 1224824

Having examined the requested documents under the applicable legal framework, I am pleased to grant you partial access to **document 1** and full access to **document 2**. Copies of the accessible documents are enclosed to this letter.

A complete disclosure of **document 1** 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 it contains the names of Commission staff members not pertaining to the senior management.

Article 9(1)(b) of the Data Protection Regulation 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 document, 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.

Furthermore, **document 1** was drawn up for internal use under the responsibility of the relevant officials of the Cabinet of Executive Vice-President Dombrovskis. It solely reflects the authors' interpretation of the interventions made and does not set out any

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<sup>2</sup> Judgment in *Sweden and Maurizio Turco v Council*, Joined cases C-39/05 P and C-52/05 P, EU:C:2008:374, paragraph 35.

<sup>3</sup> See Regulation 1049/2001, recital (4).

<sup>4</sup> Judgment in *Sweden v Commission*, C-64/05 P, EU:C:2007:802, paragraph 66.

official position of the third parties to which the document refers, which were not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

### **3. MEANS OF REDRESS**

In case you would disagree with this position, 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](mailto:sg-acc-doc@ec.europa.eu).

Yours sincerely,

Maud Labat

Encl.: Two documents (partially released)