Subject: Your application for access to documents – 2024/2844

Dear Ms Harris,

We refer to your request for access to European Commission documents registered on 30/05/2024 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, and minutes/notes) relating to the meetings listed below:


The following document falls within the scope of your application:

- Briefing for Director-General Ditte Juul Jørgensen Bilateral with PGE, 28/09/2023, Ares(2024)5337644.

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that the document listed above may be partially disclosed. The complete disclosure is prevented by the exceptions provided for in Article 4(1)(b) and Article 4(3) of Regulation (EC) No 1049/2001.

The briefing relates to a matter on which the Commission has not yet taken a position and the complete release would seriously undermine the possibility to do so. In fact, disclosure of the complete document requested would undermine the protection of the decision-making process of the Commission in relation to future requests from Member
States to apply the derogation envisaged in Article 64 (2b) of Regulation (EU) 2024/1747, as it would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to some parts of this document.

Moreover, a complete disclosure of the identified document is also 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.

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, we 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, 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 due to the scope of your request, covering areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General 1. This reply relates only to the documents held by the Directorate-General for Energy. You received the reply from the Secretariat-General in due course.

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

1 Secretariat-General case 2024/2868
2 https://www.ec.europa.eu/transparency/documents-request
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,

electronically signed

Ditte Juul Jørgensen
pp. Massimo Garribba

Annexes:

- Briefing for Director-General Ditte Juul Jørgensen Bilateral with PGE, 28/09/2023, Ares(2024)5337644