Subject: Your application for access to documents - GestDem 2018/0994

Dear Mr Teffer,

I refer to your e-mail dated 15 February 2018 in which you make a request for access to documents, registered on 15 February 2018 under the above mentioned reference number.

You request access to all preparatory documents, presentations, minutes and verbatim reports related to the 4th Southern Gas Corridor Advisory Council held on 14 February 2018.

Your application concerns the following documents:

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Part of document 1 (document 1(b)) and documents 3, 4, 5, 6 and 7 originate from third parties and we have consulted them. As we are still awaiting the response of the third parties, we are currently not yet in a position to reply to your request with regard to those documents or parts thereof.

Following an examination of the other documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the document originators, I regret to inform you that your application cannot be granted for document 2 and only partially for document 1 as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Document 1 concerns the request to launch the internal inter-service procedure for the adoption of a Commission decision to authorise the Commission Vice President to sign the "Joint Declaration from the Fourth Ministerial meeting of the Southern Gas Corridor Advisory Council". It consists of a cover note and 3 annexes as detailed above.

- Redacted versions of Documents 1(a), (c) and (d), namely the cover note, tracking document and draft Commission decision, are enclosed.
- Document 1(b), the draft version of the Joint Declaration, is not enclosed, as explained above.

The partially disclosed documents 1(a) and 1(c) contain personal data, in particular the names and e-mail addresses of Commission staff not occupying senior management positions and other natural persons as well as, for document 1(a), the signature of the Director General of DG Energy.

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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

I consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, I am disclosing a version of the documents requested in which these personal data have been redacted.

The partially disclosed documents 1(a) and 1(d) also contain some information the disclosure of which would reveal the internal deliberations and opinions of the EU, also with respect to third parties. These elements have been redacted pursuant to Article 4(1)a,
third indent, of Regulation (EC) No 1049/2001, since full disclosure would undermine the public interest as regards international relations.

Document 2 consists of the scene setter, lines to take, speaking points (suggested opening and closing remarks), defensive points and background notes and annexes for Vice President Šefčovič's participation in the 4th Southern Gas Corridor Advisory Council. The disclosure of this document would undermine the public interest as regards international relations within the meaning of Article 4(1) a, third indent, of Regulation (EC) No 1049/2001.

More in particular, disclosure of the redacted parts of Documents 1(a) and 1(d) as well as of Document 2 would jeopardise the position of the European Union in its relations with Azerbaijan and other third countries as it would reveal the Commission's internal deliberations with respect to the development of the Southern Gas Corridor and the positions adopted by the concerned parties, including third countries.

We have also considered whether partial access to Document 2 can be granted. However, the exception pursuant to Articles 4(1) a, third indent, of Regulation (EC) No 1049/2001 covers almost the entire document, to the extent that the remaining parts after expunging the confidential information would be meaningless or illegible.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Dominique RISTORI