



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1/MS

Ms Belen Balanya

Corporate Europe Observatory
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1050 Brussels
Belgium

By email to:
ask+request-9438-
b0801753@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/3020

Dear Ms Balanya,

We refer to your e-mail of 06 May 2021 in which you make a request for access to documents, registered on 07 May 2021 under the above-mentioned reference number.

1. Scope of your request and identification of the concerned documents

You request access to:

- 1- *“All correspondence (including email) between 1st December 2020 and 6th May 2021 between Commissioner Simson, Commissioner Timmermans, Commissioner Breton, President van der Leyen, Commissioner Vălean, Commissioner Vestager, and/or their cabinets and/or officials from DG Energy, DG Clima, DG Grow, DG Move, DG Competition and Secretariat General and representatives of Hydrogen Europe on the other.*
- 2- *List of meetings/videocalls/calls between 1st December 2020 and 6th May 2021 between officials and representatives of the European Commission and representatives of Hydrogen Europe.*
- 3- *Minutes of the meetings/videocalls/calls mentioned above”.*

We have identified three documents that fall within the scope of your request:

- Email “Meeting Hydrogen Europe 16.3 - Main Points" (hereafter ‘document 1’),
- Email “Meeting report Hydrogen Europe” (hereafter ‘document 2’)
- “Hydrogen Act”, Reference Ares(2021)2532045 (hereafter ‘document 3’).

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General. This reply relates only to the documents held by the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. You received /will receive the replies from the other respective Directorates-General in due course.

2. Partial disclosure of documents 1 and 2

A complete disclosure of the identified documents 1 and 2 are 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, contact information and functions of Commission staff members not pertaining to the senior management;
- The names/initials, contact details and functions of other natural persons;
- Other information relating to an identified or identifiable natural person such as office and phone numbers.

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 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.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the document disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

3. Non-disclosure of document 3

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that access to the document cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

Disclosure of this document would undermine the protection of the commercial interests of the organization, as putting this information in the public domain would affect its intellectual property as well as its competitive position on the organization's market.

Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

4. Means of redress

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 within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Kerstin Jorna
Director-General

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