



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

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

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ENER.C.3/LL/KD(2022)s6383283

Mr Barnaby Pace
Global Witness
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By email with acknowledgment of receipt

Subject: Your access to document request GESTDEM 2021/5882

Dear Mr Pace,

I refer to your request of 04 October 2021 for access to Commission documents, registered the same day under the above-mentioned reference number.

You request 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 September 16 between Kadri Simson and EUROGAS aisbl. If the separately disclosed meeting between Eurogas and Tatiana Marquez Uriarte on the same day was a different meeting then I would also like to request the documents for that meeting as well.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have identified documents related to the meetings listed below as falling in the scope of your request.

I am glad to inform you that all identified documents can be disclosed, subject only to the redaction of personal data.

With regard to the documents 1 and 3 (listed below), 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 the documents 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.

With regard to document number 4 (Ares(2022)802236 - minutes of the meeting between Commissioner Simson and Eurogas), this document was drawn up for internal use under the responsibility of the relevant officials of Commissioner Kadri 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.

In case you would disagree with this assessment, 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.

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.

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

(e-signed)
Christof Lessenich
Head of Unit

	DATE	Ares registration number	
1	27.05.2021	ARES(2021) 3506098	Email of Eurogas of 27/05/2021 to Commissioner Simson - meeting request
2	27.05.2021	ARES(2021) 3506098	annex of the email position paper
3	21.09.2021	ARES(2021) 5835733	Email of Eurogas of 21/09/2021 - follow up email after the meeting
4	16.09.2021	Ares(2022)802236	minutes of the meeting between Commissioner Simson and Eurogas