



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

Directorate R – Resources, Interinstitutional Relations, Communications and Civil Society  
**Transparency, Civil Society and Communication**

Brussels  
TRADE.R.3/

Mr Barnaby Pace  
'Global Witness'  
Rue Belliard 53  
1000 Brussels

**By email only:**  
[ask+request-10073-4a6353d3@asktheeu.org](mailto:ask+request-10073-4a6353d3@asktheeu.org)

**Subject: Your application for access to documents – GestDem 2021/6052**

Dear Mr Pace,

I refer to your e-mail dated 12 October 2021 in which you make a request for access to documents in accordance with Regulation (EC) No 1049/2001<sup>1</sup> ('Regulation 1049/2001'), registered on 12 October 2021 under the above mentioned reference number.

Please accept our apologies for the delay in preparing the reply to your request, which is mainly due to a high number of access to documents requests being processed at the same time by DG Trade.

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

In your application, you request access to documents as follows:

*'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 October 6 between Andrea Beltramello and Snam S.p.A. In consideration of the environment and the current circumstances with the COVID pandemic I would prefer to receive documents electronically.'*

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

### **a) Documents identified**

With regard to this scope, we have identified **2 documents** which are enclosed as annexes to this reply:

- 1) Ares(2021)6179875 – Request for a meeting;
- 2) Ares(2021)6179929 – Minutes of the meeting with Snam.

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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, Official Journal OJ L 145, 31.5.2001, p. 43.

**b) Protection of privacy and integrity of the individual (personal data) in accordance with Article 4(1)(b) of Regulation 1049/2001**

I am pleased to inform you that nearly full access is given to the requested documents where only personal data need to be withheld. Accordingly, all redactions made in the attached 2 documents are based on the application of the exception contained in Article 4(1)(b) of Regulation 1049/2001.

This provision provides for the protection of privacy and the integrity of the individual and prevents in the present case a full disclosure of the identified documents above, because the documents 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;
- other information relating to (an) identified or identifiable natural person(s), like the functions the latter perform(s).

Pursuant to Article 4(1)(b) of Regulation 1049/2001, the Commission has to refuse access to a document where 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 Regulation (EU) 2018/1725<sup>2</sup> 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 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 1049/2001, access cannot be granted to the personal data in question, 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.

**c) Disclaimer(s)**

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on [Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents \(OJ L 330, 14.12.2011, p. 39-42\)](#). You may reuse the documents disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Moreover, if, as in the present case, documents (or parts of them) having a Commission service as its originator (here: document 'Annex II' and the parts [emails] of document 'Annex I' having the Commission as its originator), those (parts of) documents were drawn up under the responsibility of the relevant Commission services. More specifically, the minutes of the meeting with Snam (document 'Annex II') solely reflect the service's interpretation of the interventions made and do not set out any official position of the 3<sup>rd</sup>

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<sup>2</sup> 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 205 of 21.11.2018, p. 39.

party to which the document (or parts of) refer(s), which were not consulted on their content. They do not necessarily reflect the position of the Commission and cannot be quoted as such.

Furthermore, please note that any documents originating from third parties (here: the parts [emails] of document 'Annex I' having the 3<sup>rd</sup> party as its originator) are disclosed to you based on Regulation 1049/2001. However, such disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document(s) without the agreement of the 3<sup>rd</sup> party originator, who may hold an intellectual property right on such document(s). Here too, the European Commission does not assume any responsibility from their reuse.

### **3. POSSIBILITY OF CONFIRMATORY APPLICATION**

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation 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  
'Transparency, Document Management & Access to Documents' (Unit SG C.1)  
Rue de la Loi 200/Wetstraat 200  
BERL 7/76  
1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu).

Yours sincerely,

Michelangelo MARGHERITA  
Head of Unit

Enclosure(s):     1) Ares(2021)6179875 – Request for a meeting (redacted);  
                          2) Ares(2021)6179929 – Minutes of the meeting with Snam (redacted)