



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
The Director-General

Brussels
CLIMA/A1

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Subject: Your application for access to documents – Ref GestDem No 2022/2497

Dear Ms Shoaib,

We refer to your e-mail dated 28 April 2022 in which you make a request for access to documents, registered on 3 May 2022 under the above-mentioned reference number.

You requested access to: *“All documentation, including but not limited to attendance lists, agendas, background papers, minutes/notes and email correspondence about or summarising, the following meetings between:*

- i) GasDistributorsforSustainability(GD4S) and Timmermans Cabinet on 15/03/2022.*
- ii) ENELSpA and Petriccione on 30/03/2022.*
- iii) PGEPolskaGrupaEnergetycznaSA and Timmermans Cabinet on 17/03/2022.*
- iv) GasDistributorsforSustainability (GD4S) and Timmermans Cabinet on 15/03/2022”.*

DG CLIMA has identified several documents that fall under scope of the request:

	Author	Date	Reference
1	GD4S and European	28 January 2022	Ares(2022)3132517

	Commission		
2	GD4S	28 January 2022	Ares 2022 3132517
3	European Commission	5 April 2022	Ares(2022)2560753
4	European Commission	13 April 2022	Ares(2022)3023216

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that 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: names and contact information of Commission staff members not pertaining to the senior management; names of other natural persons and other information relating to an identified or identifiable natural person.

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 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.

In addition, document 4 contains commercially sensitive business information concerning the awarding process under the Innovation Fund. Therefore, these parts are protected under the exception laid down in Article 4(2), first indent of Regulation 1049/2001, which stipulates that '[t]he institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property'. Consequently, the parts covered by this exception have been blanked out in the copy of document 4 attached to this letter.

The exception laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

According to settled case-law, it is for the applicant to put forward concrete elements to demonstrate the existence of an overriding public interest in the disclosure of the requested documents.

You have not put forward any arguments to demonstrate the existence of an overriding public interest in disclosure. Nor have I been able to identify any public interest capable of

overriding the private interest protected by Article 4(2), first and third indent of Regulation (EC) No 1049/2001.

Please note that document 3 was drawn up for internal use under the responsibility of the relevant officials of DG CLIMA. 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 were not consulted on the content. It does not reflect the position of the Commission and cannot be quoted as such.

As regards the third point mentioned in your initial request, which corresponds to a meeting between PGE Polska Grupa Energetyczna SA and Timmermans Cabinet of 17 March 2022, DG CLIMA has not identified any document under the scope of your request.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to this meeting, are held by the Commission, we regret to inform you that the Commission is not in a position to fulfil your request as regards point iii) of your request.

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

Yours sincerely,

(e-signed)

Mauro PETRICCIONE