



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, 13/01/2023
ener.dgdir(2022)9928313

Laura Döring
1 Long Lane
Borough
London
By email: ask+request-12134-7b9bddd@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/6514

Dear Ms. Döring,

We refer to your e-mail of 10 November 2022 in which you make a request for access to documents, registered on 10 November 2022 under the above-mentioned reference number.

You request access to: *all documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meetings listed below:*

- 1. Between European Chemical Industry Council and Kitti Nyitrai, Cabinet member of Kadri Simsoni on 15/02/2021*
- 2. Between European Chemical Industry Council and Kadri Simson, Commissioner and Kitti Nyitrai, Cabinet member of Kadri Simson on 15/02/2021*
- 3. Between BASF SE and Ditte Juul Jørgensen, Director-General on 19/05/2022*

The following documents fall within the scope of the third item of your application. With regard to items 1-2 originating from Commissioner Simson and/or her Cabinet, we are awaiting contribution from the Cabinet and will be able to complement this reply only once we receive it.

Nr.	Stakeholder	Ares	Title
1	BASF	Ares(2022)8858304	Briefing – BASF – 19.05
2	BASF	Ares(2022)8815770	Time change Meeting Request on behalf of Ms Ditte Juul Jørgensen - Follow-up - REPowerEU, RED

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that the documents listed above may be partially disclosed.

In fact, 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.

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.

The part of document Ares(2022)8815770, which falls outside the scope of your request, has been redacted as appropriate.

With regard to documents originating from Commissioner Simson and/or her Cabinet, we are awaiting contribution from the Cabinet and will be able to complement this reply only once we receive it.

In addition, please note that 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.

Please find enclosed redacted copies of the documents that can be disclosed.

In case you would disagree with this position, 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.

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

Yours sincerely,

Miguel Gil Tertre
Head of Chief Economist Unit