



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY
The Director-General

Brussels, 30/03/2023
ENER.C.2/ZT/oa (2023) 2680867

Ms Agathe Bounfour

Via email: ask+request-12416-52df1eb0@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2023/0240

Dear Ms Bounfour,

I refer to your e-mail of 12 January 2023 in which you make a request for access to documents, registered on the same day under the above-mentioned case number.

A. Scope of request:

You requested access to:

- 1. A list of all meetings/ discussions that have taken place since September 1st 2021 between representatives of Commissioner Simson, and/or her cabinet and/or officials from DG Energy with representatives of Fuels Europe.*
- 2. Any records, minutes or notes of these meetings/discussions.*
- 3. Any briefings prepared for these meetings.*
- 4. All correspondence exchanged since September 1st 2021 (including SMS & any other type of messages processed through phone apps - eg., WhatsApp, Signal, Telegram etc, recorded voice messages, emails, letters and attached documents) between representatives of Commissioner Simson, and/or her cabinet and/or officials from DG Energy with representatives of Fuels Europe.*

I consider your request to cover documents held up to the date of your initial application, i.e. 12 January 2023.

B. Identification and assessment of the relevant documents:

Your application concerns the following documents that fall under the category “correspondence”.

	Date	Title	ARES reference	Release	Reason under Regulation 1049/2001
1.	14-10-2021	Email - Meeting John Cooper-Stefano Grassi - 1510 15.00	Ares(2023)1339849	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
2.	25-10-2021	Email - Follow-up meeting with Fuels Europe on 22 Oct 2021	Ares(2021)6693099	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
3.	25-10-2021	Concawe -Sustainable-biomass-availability-in-the-EU-final-version (attachment to the previous email)	Ares(2021)6693099	Yes	N/A
4.	25-10-2021	Fuels Europe Presentation (attachment to the previous email)	Ares(2021)6693099	Yes	N/A
5.	25-10-2021	Sustainable-Biomass-Availability-in-the-EU-Part-I-and-II-final-version (was also attached to the previous email but can be found online ¹)	Ares(2021)6693099	Yes can be found online in the URL included in footnote (1)	N/A

¹ <https://www.concawe.eu/publication/sustainable-biomass-availability-in-the-eu-to-2050/>

6.	22-03-2022	Email - MEETING REQUEST KS - Open date - With President and DG of FuelsEurope and Concawe	Ares(2022)2777336	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
7.	22-03-2022	Email: 'Speaker Invitation to EP Webinar on Alternative Fuels - 19 April 2022'	Ares(2022)5800547	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
8.	22-03-2022	Draft Synopsis RED event in the EP-19.04.2022 (attachment to the previous email)	Ares(2022)5800547	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
9.	29-03-2022	Reply to the email registered under Ares(2022)5800547	Ares(2022)5800558	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
10.	04-05-2022	Email - Delegated act on GHG emission savings methodology for RFNBO and RCF - FuelsEurope expert inputs	Ares(2022)3427883	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
11.	04-05-2022	EF key comments to DA RFNBO_ RCF _ GHG _ Methodology _ 3 May 2022 (attachment to the previous email)	Ares(2022)3427883	Yes	N/A

12.	13-07-2022	Reply to Ares(2022)3427883	Ares(2022)5510749	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
13.	26-10-2022	Email titled 'FuelsEurope call for the publication of a number of significant Delegated Acts'	Ares(2022)7436550	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
14.	26-10-2022	FuelsEurope letter (Attachment to the previous email)	Ares(2022)7436550	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
15.	06-12-2022	Email - Delegated Acts RFNBO and RCF GHG Methodology & RFNBO Additionality	Ares(2022)8485569	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
16.	09-01-2023	Reply to the email registered under Ares(2022)7436550	Ares(2022)9997550	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)

Two meetings took place since 1 September 2021, that fall within the scope of your application:

1. Meeting between Head of Cabinet Stefano Grassi and Fuels Europe on 22 Oct 2021
2. Meeting between Deputy Director General Mechthild Wörnsdörfer and John Cooper, Director General of Fuels Europe

Moreover, the following documents held by the Directorate-General for Energy and related to the above listed meetings fall under your request:

	Briefing	Release	Reason under Regulation 1049/2001
17.	Briefing for Head of Cabinet Stefano Grassi - Meeting with Fuels Europe on 22 October 2021	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)
18.	Briefing for Deputy Director-General Mechthild Wörnsdörfer - - Meeting with John Cooper, Director General of Fuels Europe	Yes (redaction of personal data)	Article 4(1)(b) of Regulation (EC) 1049/2001 in conjunction with Article 9(1)(b) of Regulation (EU) 2018/1725 (for personal data)

With regard to the documents listed under numbers 1,2, 6-10 and 12-18 above, a complete disclosure 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 Regulation² 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, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) 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.

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 document/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.

² 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.

Finally, we would like to draw your attention to the fact that, when it comes to point (2) of your request (*Any records, minutes or notes of these meetings/discussions*), the Commission does not hold any documents that would correspond to the description given in your application. No minutes were drafted for the two meetings listed above.

Given that no such documents, corresponding to the description given in your application for this point, are held by the Commission, the Commission is not in a position to fulfil 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 Secretary-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 sincerely,

Ditte Juul Jørgensen

Annexes:

1. Email of 14-10-2021: Meeting John Cooper-Stefano Grassi - 1510 15.00
2. Email of 25-10-2021- Follow-up meeting with Fuels Europe on 22 Oct 2021
3. Concawe -Sustainable-biomass-availability-in-the-EU-final-version (attachment to the previous email)
4. Fuels Europe Presentation (attachment to the previous email)
5. Email of 22-03-2022- MEETING REQUEST KS - Open date - With President and DG of FuelsEurope and Concawe
6. Email of 22-03-2022: 'Speaker Invitation to EP Webinar on Alternative Fuels – 19 April 2022'
7. Draft Synopsis RED event in the EP-19.04.2022 (attachment to the previous email)
8. Reply to the previous email
9. Email of 04-04-2022: 'Delegated act on GHG emission savings methodology for RFNBO and RCF – Fuels Europe expert inputs'
10. EF key comments to DA RFNBO_ RCF _ GHG _ Methodology _ 3 May 2022 (attachment to the previous email)
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