



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels
MJ

Mr Vivek Parekh
InfluenceMap CIC
1 Long Lane
SE1 4PG
United Kingdom

by email: ask+request-12482-0ea81671@asktheeu.org

Subject: Your application for access to documents – 2023/0464

Dear Mr Parekh,

We refer to your e-mail of 24 January 2023 in which you make a request for access to documents, registered on 25 January 2023 under the above-mentioned reference number.

You request access to all documentation related to the meeting between Eni and Director-General, Ditte Juul Jørgensen, on 20th December 2022.

Having examined the documents falling within the scope of your request:

- (i) briefing for Director-General Ditte Juul Jørgensen meeting with ENI's CEO Claudio de Scalzi of 20.12.2022: ENER/6989;
- (ii) e-mail report of 20.12.2022: ARES(2023)1416296,

I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

The documents which you seek to obtain relate to the energy situation and the energy policy of a third country. The documents contain information on that third country as well as the European Union energy policy prospects with the country. Their disclosure would result in high likelihood of damaging bilateral relationship between the Union and the third country concerned, as this would reveal positions of either side in on-going negotiations and, as a consequence, could negatively affect the successful conclusion of those negotiations. Disclosure of those documents would therefore undermine the protection of the public interest as regards international relations (Article 4 (1) (a), third indent, of the Regulation).

Additionally, the documents concerned also contain commercially sensitive information of private companies. Putting this kind of information in the public domain would affect their competitive position on the market. Therefore, disclosure of the documents would undermine the protection of commercial interests of a legal person. Such documents could be disclosed only in case of an overriding public interest (Article 4(2), first indent, of the Regulation). In the case at hand, however, you have not indicated any such public interest in disclosure. Even if a public interest in disclosure overriding the commercial interest of third parties could be identified, such interest would not allow to put aside the protection of international relations pursuant to Article 4(1)(a), third indent, of the Regulation.

We have also assessed whether partial access to the documents in question could be granted in accordance with Article 4(6) of the Regulation. However, as almost the entirety of the documents is covered by the above mentioned exceptions, no meaningful partial access to those documents is possible.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal¹ account (available only for initial requests submitted via the portal account),

or by mail:

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

You have lodged your application via the AsktheEU.org website. Please note that this is a private third-party website which has no link with any institution of the European Union. Therefore, the European Commission cannot be held accountable for any technical issues or problems linked to the use of this system.

Please note that the private third party running the AsktheEU.org website is responsible and accountable for the processing of your personal data via that website, and not the European Commission. For further information on your rights, please refer to the third party's privacy policy.

We understand that the third party running that website usually publishes the content of applicants' correspondence with the European Commission on that website. This includes

¹ <https://www.ec.europa.eu/transparency/documents-request>

the personal data that you may have communicated to the European Commission (e.g. your private postal address).

Similarly, the third party publishes on that website any reply that the Commission will send to the email address of the applicants generated by the AsktheEU.org website.

If you do not wish your correspondence with the European Commission to be published on the AsktheEU.org website, you can provide us with an alternative, private e-mail address for further correspondence. In that case, the European Commission will send all future electronic correspondence addressed to you only to that private address.

Yours sincerely,

Ditte Juul Jørgensen