



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate A - Energy policy
A.1 - Energy Policy coordination

Brussels, 29.07.2016
ener.a.1.001RK/ssp(2016)3798284

Ms Evangelia Varagka
Mejerigatan 2B
Lgh 1901
41276 Göteborg
Sweden

(via e-mail and registered post)

Subject: Your request under Regulation (EC) 1049/2001 regarding public access to documents (GestDem/2016/1540)

Dear Ms Varagka,

I refer to your request for access to documents of 29 March 2016 pursuant to Regulation (EC) 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, called "the Regulation" in the following. You asked for the disclosure of *the position papers (contributions) sent by the Industries (Private Sector) which participated in the consultation process on the green paper "A European Strategy for Sustainable, Competitive and Secure Energy" which was held from 24 March 2006 until 24 September 2006.*

After thorough research and analysis of our documentation resources, I am pleased to inform you that 38 documents being in our possession have been identified as falling in the scope of your request. They are annexed to this letter.

Since the documents concerned originate from third parties, the originators of the documents have been consulted. The author of one document (reply of OGP Europa) has objected to full disclosure of the document that it sent to the Commission in order to protect the privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. Therefore, the relevant parts of the document have been blanked out.

Following our own assessment, I have come to the conclusion that also other personal data (names and contact details) to be found in the documents we disclose to you must be protected. Therefore the relevant passages of the attached documents have been blanked out.

With regard to personal data, pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with

Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data. If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such confirmatory applications as mentioned above 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
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,



Paula Pinho
Head of Unit

Annex: 38 documents

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.