



Director-General

Brussels, **03 DEC. 2018**  
ENER/B2/el D(2018) 6408832

Mr Pascoe SABIDO  
Corporate Europe Observatory  
Rue d'Edimbourg 26  
B-1050 Brussels

**Subject: Your application for access to documents GestDem 2018/4847**

Dear Mr Sabido,

I refer to your request for access to documents of 14 September 2018 (registered under the reference GestDem 2018/4847), I can now inform you as below. You asked for the disclosure of:

"- A list of all lobby meetings held by DG ENER Directorate B between 9 March 2018 and today where renewable gas was discussed. The list should include: date, Commission attendees, the name of the organisation(s) attending, who attended on their behalf, and a more precise topic if that exists.

- The minutes of all lobby meetings held by DG ENER Directorate B between 9 March 2018 and today renewable gas was discussed. This should also include any documents that were distributed at the meeting, and any presentations that were made.

- All correspondence, electronic or otherwise, between lobbyists and by DG ENER Directorate B between 9 March 2018 and today where renewable gas was discussed."

I consider your request to cover documents held up to the date of your initial application, i.e. 14 September 2018.

With regard to the first indent of your request "a list of lobby meetings (...)", I regret to inform you that no document was found that would correspond to the description given in your application. Whilst the Commission systematically publishes information about meetings of Members of the Commission, members of Cabinets and Directors General with organisations and self-employed individuals, this is not the case for other Commission officials. Therefore, a list of meetings held by DG ENER Directorate B does not exist but would have to be newly created on the basis of agenda entries or other information.

As specified in Article 2(3) of Regulation 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 document has been identified, the Commission is not in a position to handle this part of your request.

With regard to the second and third indents of your request concerning the minutes, presentations and any other correspondence related to the lobby meetings where renewable gas was discussed, we found documents listed below.

Documents relating to meetings held by DG ENER Directorate B between 9 March 2018 and 14 September 2018 where renewable gas was discussed:

1. Presentation by National Grid on sector coupling, (attached document n° 1), meeting of 12/04/2018
2. Study summary presented on 18/07/2018, meeting of Klaus-Dieter Borchardt with Thierry Trouvé, CEO, **GRTgaz** attached as document n°2 and publicly available under:  
[https://www.grdf.fr/documents/10184/1291504/100%25\\_En\\_Study/3227170b-face-4300-96a8-f8339ffe0645](https://www.grdf.fr/documents/10184/1291504/100%25_En_Study/3227170b-face-4300-96a8-f8339ffe0645) )
3. Presentation of Berlin Natural Gas Storage Facility, meeting of 29/08/2018 with **GASAG** – (attached document n°3)

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 document n° 2 is publicly available while documents 1 and 3 may be partially disclosed. Some parts of the document 3 have been blanked out as their full disclosure is prevented by exception to the right of access laid down in Article 4 (2) first indent (commercial interests of a natural or legal person, including intellectual property according), of Regulation (EC) No 1049/2001.

Documents 1 and 3 to which you have requested access contain 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 of the European Parliament and of the Council of 18 December 2000 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 data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

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.

Please note that the possible disclosure of personal data of outside entities, staff and/or of other individuals external to the Commission depends on the degree of seniority of the individuals. Current administrative practice is to disclose names of the main representatives (CEO, President, Director or equivalent) of external entities and of the Commission's officials.

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the documents requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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 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  
Secretary-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 5/282  
B-1049 Bruxelles      or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Annexes: 3

  
Dominique RISTORI