



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Directorate C - Renewables, Research and Innovation, Energy Efficiency  
**C.1 - Renewables and CCS policy**  
The Head of Unit

Brussels, **20 MAI 2019**  
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Ms Belen Balanya  
Corporate Europe Observatory  
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1050 Brussels

By email:  
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**Subject:** *Your applications for access to documents*  
*Ref. GestDem No 2018/6906 - 6908 - 6926 - 6928*

Dear Ms Balanya,

We refer to your requests of 20 December 2018 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

You requested access to all correspondence with several stakeholders, such as i.a. AEBIOM, NESTE, CEPF, etc., together with a list of the meetings held with these organisations.

Annexed to the present letter, you will find the list of the documents, which we are entitled to disclose.

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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is 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 ('Regulation 2018/1725').

Some of the documents contain personal data, in particular biometric data (signatures).

Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data 'means any information relating to an identified or identifiable natural person [...]'. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.

In case the personal data pertain to Commission staff, please note that, in this respect, the names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are to be considered personal data.

In its judgment in Case C-28/08 P (Bavarian Lager), the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable

Pursuant to Article 9(1)(b) of Regulation 2018/1725, 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if 'the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, 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.

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 (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 Bruxelles, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Paula Abreu Marques

Enclosure:            List of the documents

## ANNEX

### List of Documents :

Title	Number of documents	Date	File reference
CEPF position on LULUCF	3	29-06-2016	Ares(2016)3079436
USIPA on biomass legislation	3	21-10-2016	Ares(2016)6071329
NESTE request for meeting	1	14-11-2016	Ares(2016)6419034
METSA comments on RED	1	16-11-2016	Ares(2016)6446805
NESTE comments on RED recast	1	16-11-2016	Ares(2016)6446978
COPA COGECA to Arias Cañete on winter energy package	1	22-11-2016	Ares(2016)6556307
WBA - conclusions from Marrakech	3	23-11-2016	Ares(2016)6575498
AEBIOM on energy policy after 2020	3	23-11-2016	Ares(2016)6606533
Letters from stakeholders on Art4 recast	16	25-11-2016	Ares(2016)6627503
NESTE on RED II trilogue	4	15-03-2018	Ares(2018)1434991
COPA COGECA on RES in transport	3	26-03-2018	Ares(2018)1653847
AEBIOM fact sheets	4	15-05-2018	Ares(2018)2525649
NSF on forest management	2	15-05-2018	Ares(2018)6107800