



EUROPEAN COMMISSION

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**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE  
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under  
Regulation (EC) No 1049/2001 - GESTDEM 2018/6893**

Dear ██████████,

I refer to your letter of 7 February 2019, registered on 8 March 2019, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter 'Regulation (EC) No 1049/2001').

**1. SCOPE OF YOUR REQUEST**

In your initial application of 19 October 2018, addressed to the Directorate-General for Energy, you requested access to 'Norway's legal arguments that its offshore activities fall outside the rules of Directive 2013/30/EU'.

The European Commission has identified the following document as falling under the scope of your request:

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<sup>1</sup> Official Journal L 345 of 29.12.2001, p. 94.

<sup>2</sup> Official Journal L 145 of 31.5.2001, p. 43.

- Note of 17 March 2014 by Subcommittee V on Legal and Institutional Questions – Position of the European Free Trade Association states part of the European Economic Area on the relevance to the European Economic Area of the acts discussed at the meeting if the Joint Subcommittee V on 7 January 2014, reference EFTA 1129939, reference Ares(2019)2627043 (hereafter ‘the requested document’).

In its initial reply of 15 February 2019, Directorate-General for Energy refused access to this document based on the exception of Article 4(1), third indent (protection of the public interest as regards international relations) of Regulation (EC) No 1049/2001.

In your confirmatory application, you request a review of this position.

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001**

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Please note that only point 4 of the requested document falls within the scope of your request, because only this part refers to Norway’s legal arguments that its offshore activities fall outside the rules of Directive 2013/30/EU.

Since the requested part of the document originates from a third party, the Secretariat-General re-consulted the European Free Trade Association in accordance with Article 4(4) of Regulation (EC) No 1049/2001 with a view to assessing whether an exception in paragraph 1 or 2 of Article 4 of Regulation (EC) 1049/2001 could be applicable. The European Free Trade Association agreed to full disclosure of the requested part of the document.

Following this review and after taking into account the opinion of the third party, I can inform you that, full access is granted to the requested part of the document (point 4), since its content does not fall under any of the exceptions to the right of access provided in Article 4 of Regulation (EC) No 1049/2001.

Yours sincerely,



*For the Commission*  
*Martin SELMAYR*  
*Secretary-General*

Enclosure: (1)