



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
The Director-General

Brussels

CLIMA.DG

Francesca Cicculi  
Investigative Reporting Project Italy  
Viale Giulio Cesare, 92  
00192 Roma  
Italy

**Advance copy by email:** ask+request-10133-  
69786344@asktheeu.org

**Subject: Your application for access to documents – Ref GestDem No 2021/6415**

Dear Ms Cicculi,

We refer to your e-mail dated 26 October 2021 in which you make a request for access to documents, registered on 28 October 2021 under the above-mentioned reference number.

You requested access to *“For the period between 1 of September 2021 to date:*

*- a list of the meeting and/or calls between the Vulcan Energie Ressourcen and the Directorate-General for Climate Action, including any Cabinet Members and/or officials, during which “batteries” and/or “hydrogen” and/or “lithium” were discussed.*

*The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;*

- all minutes and other reports of these meetings and/or calls;*
- all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place.*
- all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Directorate-General for Climate Action and the Vulcan Energie Ressourcen, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “batteries” and/or “hydrogen” and/or “lithium”.”*

We regret to inform you that the Directorate-General for Climate Action does not hold any documents that would correspond to the description given in your application.

The list of meetings of the Executive Vice-President Timmermans, his Cabinet and the meetings of the Director-General of Directorate-General for Climate Action with organisations and self-employed individuals are available in the links enclosed below:

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=d41e42be-7ff1-4635-bb4f-e47d38f886ed>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=f1afd532-0d40-4dcd-8e45-667b57075377>

<http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=ec1ecb7e-2615-44eb-895b-6b08637c2a0d>

In your application you requested access to a list of meetings of meetings of the staff in Directorate-General for Climate Action. Please note that the Members of the Commission shall make public information on all meetings held by them and members of their Cabinet with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union in accordance with the Commission Decision 2104/839/EU, Euratom of 25 November 2014<sup>1</sup>. The same obligation applies to officials of the European Commission having the status of Director-General in accordance with the Commission Decision 2104/838/EU, Euratom of 25 November 2014<sup>2</sup>. However, the same obligation does not apply to lower-ranking officials, such as the remaining members of the Directorate-General for Climate Action.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.

The Court of Justice held that ‘the right of access to documents of the institutions applies only to existing documents in the possession of the institution concerned and [...] Regulation No 1049/2001 may not be relied upon to oblige an institution to create a document which does not exist. It follows that, [...], an application for access that would require the Commission to create a new document, even if that document were based on information already appearing in existing documents held by it, falls outside the framework of Regulation No 1049/2001’<sup>3</sup>.

In the present case, the Directorate-General for Climate Action does not hold any list of all meetings of its staff with the specific organisations and self-employed individuals concerned by your request in addition to the publicly available information on meetings of the Director-General, which is accessible via the abovementioned links. In this respect, I would like to confirm that compiling such a list in order to fulfil your request would equal to the creation of a new document, as neither can such a list be extracted from a database by means of a normal or routine search.

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<sup>1</sup> OJ L 343, 28.11.2014, p. 22–24

<sup>2</sup> OJ L 343, 28.11.2014, p. 19–21

<sup>3</sup> Judgment of the Court of Justice of 11 January 2017, *Typke v European Commission*, C-491/15 P, EU:C:2017:5, paragraph 31.

Given that no such documents, corresponding to the description given in your application, are held by my service, the Directorate-General for Climate Action is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled 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 Secretariat-General of the Commission at the following address:

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

*(e-signed)*

Mauro PETRICCIONE