



EUROPEAN COMMISSION

Secretariat-General

Directorate C – Transparency, Efficiency and Resources

SG.C.1-Transparency, Document Management and Access to Documents

Brussels,

By registered letter with AR

Paul DE CLERCK
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Copy by email: ask+request-10138-48fe92eb@asktheeu.org

Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2021/6378

Dear Mr De Clerck,

I refer to your e-mail of 22/02/2022, registered on 22/02/2022, in which you submit a confirmatory application in accordance with Article 7(4) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereafter 'Regulation (EC) No 1049/2001').

Your confirmatory application was submitted in relation to your initial application of 26/10/2021, in which you requested, I quote: "*all correspondence since January 2020, including emails, agendas, records of meetings, minutes of meetings, participants lists and any other reports of such meetings involving officials/representatives/Commissioner/cabinet members of DG Energy about the negotiations for the modernisation of the Energy Charter Treaty*".

The initial request was assigned to the Directorate-General for Energy. As you did not receive an initial reply within the statutory time limits, you submitted a confirmatory application on 22/02/2022.

In the meantime, the initial reply in question was sent to you on 10/06/2022. In its reply, the Directorate-General for Energy refused access to the requested documents, arguing that these documents would undermine the protection of the public interest as regards

¹ OJ L 145 of 31.5.2001, p. 43.

international relations within the meaning of Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001, as well as of court proceedings and legal advice within the meaning of Article 4(2), second indent, of that Regulation. of Regulation (EC) No 1049/2001.

Against this background, the Secretariat-General will close your confirmatory application related to the lack of initial reply.

You remain entitled to submit a new confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001, should you wish to request a review of the initial reply of 10/06/2022.

Yours sincerely,

Mariusz Daca
Deputy Head of Unit