



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels , 21/12/2022
MP ener.a.1(2022)9631751

Mr Barnaby Pace
Global Witness
Rue du Commerce 31
1000 Brussels
Belgium

By email: ask+request-10401-31ee2494@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/8110

Dear Mr Pace,

We refer to your e-mail of 15 December 2021 in which you make a request for access to documents, registered on 15 December 2021 under the above-mentioned reference number.

You request access to *all documents – including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations – related to the meeting on November 11 between Kadri Simson and Snam S.p.A., Shell Companies, Thüga Aktiengesellschaft and N.V. Nederlandse Gasunie.*

Your application concerns the following documents:

nr	Invitation	Ares	Date	Title
1	Kadri Simson	(2021)7732086	09/11/2021	Invitation to a Roundtable discussion on the regulation for the hydrogen market - 11 November 2021
	Stakeholder	Ares	Date	Title
2	Gasunie	(2021)7090421	11/11/2021	MEETING REQUEST TMU 22-24/11/2021 or later with Gasunie representatives - enclosing Gasunie presentation as follow up to

				Hydrogen rountable
3	Thüga	(2021)70906 17	17/11/2021	Thank you for intervention Thüga @ Hydrogen Roundtable 11/11/2021 20211111_Slides_Thuega_Hennig_f inal

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 the documents listed above may be partially disclosed.

In fact, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

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

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Moreover, 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 the document n. 2 may be partially disclosed. Some parts of the this have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(2) of this Regulation.

The redacted parts of the document n. 2 contain commercially sensitive business information of the company that submitted it.

Disclosure of these parts would undermine the protection of commercial interests protected under this exception.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I have examined whether there could be an overriding public interest in disclosure, but that I have not been able to identify such an interest.

Please find enclosed redacted copies of the documents that can be published.

In case you would disagree with this position, 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 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Ditte Juul Jørgensen

p.p. Matthew Baldwin