



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Director-General

Ref. Ares(2018)5389783 - 19/10/2018

**19 OCT. 2018**

Brussels,  
ENER/DR/asf s(2018)5495792

*By registered letter with acknowledgment of receipt*

*Corporate Europe Observatory  
Mundo B  
Rue d'Edimbourg 26  
Bruxelles 1050*

*Advance copy by email :*  
[ask+request-5686-70796dee@asktheeu.org](mailto:ask+request-5686-70796dee@asktheeu.org)

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2018/3410/SABIDO**

We refer to your e-mail dated 21/06/2018 in which you make a request for access to documents, registered on 22/06/2018 under the above mentioned reference number.

You request access to

*- a list of all lobby meetings held between DG Energy and Fluxys, Enagás, SNAM, GRTgaz and/or Gas Infrastructure Europe, and/or their affiliates/representatives (e.g. lobby consultancies) since 1 January 2013. The list should include: date, Commission attendees, the name of the organisation(s) attending and a more precise meeting topic.*

We regret to inform you that no document was found that would correspond to the description given in your application. Whilst the Commission systematically publishes information about meetings of Members of the Commission, members of Cabinets and Directors General with organisations and self-employed individuals, this is not the case for other Commission officials. Therefore, a list of meetings between DG Energy and the above-mentioned organisations does not exist.

*- minutes of all lobby meetings held between DG Energy and Fluxys, Enagás, SNAM, GRTgaz and/or Gas Infrastructure Europe, and/or their affiliates/representatives (e.g. lobby consultancies) since 1 January 2013.*

We regret to inform you that no document was found that would correspond to the description given in your application. I would like to point out that the European Commission only records minutes of selected meetings. In accordance with the European Commission's current administrative practice, a written record should only be ensured of those meetings which contain important information or may involve action by the European Commission

*- any correspondence between DG Energy and Fluxys, Enagás, SNAM, GRTgaz and/or Gas Infrastructure Europe, and/or their affiliates/representatives (e.g. lobby consultancies) since 1 January 2013. This should include but not be limited to correspondence related to the aforementioned meetings, as well as all other email and letter exchanges. It should also include all attachments and accompanying documents contained within the correspondence*

Your application concerns the documents listed in the attached annex.

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 some of these documents may be partially disclosed. Documents 18, 19, 24, 35, 37, 39, 40, 41, 42, 45, 48, 49, 50, 51, 52, 55, 56, 57, 58 and 60 cannot be disclosed as their disclosure is prevented by exceptions to the right of access laid down in Article 4(2) of this Regulation.

#### *Documents not disclosed*

The documents not disclosed contain information which, if disclosed, would undermine the protection of

- commercial interests of a natural or legal person, including intellectual property according to Article 4(2), first indent, of Regulation (EC) No 1049/2001 (presentations/email-attachments of 18, 19 and 24 and documents 35, 37, 39, 40, 41, 45, 48, 49, 50, 51, 52, 55, 56, 57, 58), since these documents are either protected by intellectual property rights (the presentations/email-attachments) or contain commercially sensitive and project-specific information in relation to the co-financing of a GRTgaz project under EEPR;
- court proceedings and legal advice according to Article 4(2), second indent, of Regulation (EC) No 1049/2001 (48, 60 and part of 42), since these documents are part of the file of an ongoing litigation in the Administrative Court of Lyon.

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. On the basis of the information at my disposal, I have not been able to identify such an overriding public interest in disclosure.

I have also considered whether partial access to the documents not disclosed could be granted in accordance with Article 4(6) of Regulation 1049/2001. However, since the entirety of the respective documents is covered by the relevant exceptions, no partial access can be granted.

#### *Documents disclosed*

I have redacted personal data in all the documents being disclosed, in particular names and addresses of individuals.

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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

According to Article 8(b) of Regulation (EC) No 45/2001, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the documents requested in which these personal data have been redacted.


#### *Means of redress*

In accordance with Article 7(2) of Regulation 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 Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Dominique RISTORI

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.