Ref. Ares(2023)844070 - 06/02/2023

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels , 06/02/2023
MP ener.a.1(2023)994924

Mr Dominic Eagleton
Global Witness
Rue Belliard 53
1000 Bruxelles

by email: ask+request-11522-292b91a6@asktheeu.org

Subject: Your application for access to documents – 2022/3805

Dear Mr Eagleton,

We refer to your e-mail of 4 July 2022 in which you make a request for access to documents, registered on 5 July 2022 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 exchanges or meetings on the Delegated Acts for renewable fuels of non-biological origin (RFNBOs) between DG ENER's cabinet staff and any other cabinet staff members within the European Commission, including but not limited to the Secretariat-General, DG GROW, DG COMP and DG CLIMA from 1st September 2021 until today, 4th July 2022.*

I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain relates to a decision which has not yet been taken by the Commission.

Disclosure of the documents requested would undermine the protection of the decision-making process of the Commission in relation to the Delegated acts on hydrogen, as it would reveal preliminary views and policy options which are currently under consideration. More specifically, the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to these documents.

We have considered whether partial access could be granted to the documents requested, and we concluded that they are entirely covered by the exception.

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. You can submit it in one of the following ways:

by asking for a review via your portal[1] account (available only for initial requests submitted via the portal account),

or by mail:

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

Yours sincerely,

Ditte Juul Jørgensen

[1] https://www.ec.europa.eu/transparency/documents-request

Electronically signed on 03/02/2023 16:35 (UTC+01) in accordance with Article 11 of Commission Decision (EU) 2021/2121