

Brussels, 17 September 2021

### Febeliec response to CREG

Openbare raadpleging betreffende de richtsnoeren over “de informatie die als vertrouwelijk te beschouwen is omwille van het commercieel gevoelige karakter of persoonlijke karakter ervan”  
Consultation publique relative aux lignes directrices concernant “les informations à considérer comme confidentielles en raison de leur caractère commercialement sensible ou de leur caractère personnel”

Febeliec thanks the CREG for being given the opportunity to react to these proposed guidelines. Febeliec hopes these new guidelines will contribute to more transparent and effective consultation processes in the future.

In general, Febeliec supports the guidelines as proposed by the CREG. For Febeliec, it is obvious that both “commercially sensitive” and “personal” data require a special treatment in the context of public consultations.

Febeliec would, however, like to formulate the following comments:

- Wherever consultations are public, transparency should be the rule and confidential treatment of responses the exception. Respondents to consultations should therefore thoroughly justify the requested confidentiality of their responses on the basis of the approved guidelines, and CREG (or any other consulting party) should rigorously apply the proposed rules and guidelines in their consultation reports. The success of such guidelines therefore largely depend of their correct, transparent and coherent application by the consulting party.
- Special attention should go to situations where proposals or draft results/conclusions in consultation documents are modified on the basis of confidential information provided by a respondent to the consultation. In those situations, consulting parties should make public all possible information that can justify the modification while respecting the confidentiality of the arguments.