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LENEC/5/2021/P

San Donato Milanese, 02 February 2021

To the kind attention of  
Mr. Barnaby Pace  
Gas Team  
Global Witness  
bpace@globalwitness.org

Dear Mr Pace,

I write to you in relation to your recent letters to Claudio Descalzi and Lucia Calvosa.

As the letters are identical, please take this single response as a response to both.

Your letter outlines 28 points, which I will categorise as follows: questions relating to Eni's energy transition plan, a set of questions relating to the Milan court proceedings regarding OPL245, and questions relating to conspiracy allegations.

With regard to both OPL 245 and the conspiracy allegations, we have provided in court and to the judicial authority all the evidence required to support our case that these charges and allegations are unsubstantiated. We have no intention of revisiting these again with you in this correspondence.

Regarding OPL 245, in particular, we find it inappropriate (both in term of timing and contents) that you intend to publish a long series of unproven allegations which are subject to ongoing court proceedings in Milan, the outcome of which is due shortly as you are certainly aware given that your attendance and communication around the public hearings.

With regard to your questions concerning Eni's commitment to the energy transition, we would direct you to read the detailed plan that we announced one year ago (see <https://www.eni.com/en-IT/investors/strategic-plan.html>). This plan is ambitious, detailed, and wider in scope commitments than our peers and has been welcomed by a number of external experts and commentators



including Carbon Tracker (<https://carbontracker.org/eni-the-first-oil-company-to-lay-out-a-strategy-of-managed-decline/>) and Bloomberg (<https://www.bloomberg.com/news/articles/2020-11-11/big-oil-has-long-way-to-go-on-emissions-targets-green-insight>). We reject the allegations and insinuations in your points 1-4 concerning our commitment to the energy transition.

We consider the publication of these groundless and unproved allegations as a serious and illegal damage to Eni and its top management's reputation and we will assess our right to take all the appropriate legal actions.

Yours sincerely,



Avv. Stefano Speroni

## Shell statement of response to Global Witness letter: “Opportunity to comment relating to lobbying and corruption”

February 5, 2021

### OPL 245

We maintain that the 2011 settlement of long-standing legal disputes related to OPL 245 was a fully legal transaction with Eni and the Federal Government of Nigeria (FGN). Based on everything we have seen before and during the trial, we continue to believe there is no basis to convict Shell<sup>1</sup> or any of its former employees in Milan.

Shell attaches the greatest importance to business integrity. It’s one of our core values and is a central tenet of the Business Principles that govern the way we do business. Shell has clear rules on anti-bribery and corruption and these are included in our Code of Conduct for all staff. There is no place for bribery or corruption in our company.

### Shell’s role within the Energy Transition

We agree that action is needed now on climate change, we fully support the need for society to transition to a lower-carbon future and we’re committed to playing our part by addressing our own emissions and helping customers to reduce theirs.

Addressing a challenge this big requires a collaborative and global approach. Shell is playing its part. Shell’s ambition is to be a net-zero emissions energy business by 2050, and sooner if that is possible, in step with society and our customers.

Today, Shell’s business plans will not get us to where we want to be. So, as the energy system evolves, so will our business, to provide the mix of products that our customers need and extend the economic and social benefits of energy access to everyone. As well as continuing to supply oil and gas that the world needs, we are working to offer customers more, lower-carbon products. We have already invested billions of dollars in a range of low-carbon technologies, from biofuels, hydrogen and wind power, to electric vehicle charging and smart energy storage solutions. More information on recent developments is available on our website<sup>2</sup>.

Shell supports the goal of the Paris Agreement to limit the average rise in global temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit it to 1.5°C. We recognise that current Nationally-Determined Contributions will not deliver 1.5°C and we support the need for further policy action. We support the development of robust and sustainable policies to help the world get to net-zero emissions by 2050. We have published our global climate-related policy positions on our website<sup>3</sup>. These guide the positions Shell takes on regional and country-specific policies.

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<sup>1</sup> The companies in which Royal Dutch Shell plc directly and indirectly own investments are separate legal entities. In this letter “Shell”, is used for convenience where references are made to Royal Dutch Shell plc and its subsidiaries in general. Likewise, the words “we”, “us” and “our” are also used to refer to Royal Dutch Shell plc and its subsidiaries in general or to those who work for them.

<sup>2</sup> <https://www.shell.com/energy-and-innovation/new-energies/new-energies-media-releases.html>

<sup>3</sup> [https://www.shell.com/promos/sustainability/our-climate-related-policies/jcr\\_content.stream/1601913513888/ee9d5d46202fa4f3b325253360e85cac584670ae/external-climate-policy-positions.pdf](https://www.shell.com/promos/sustainability/our-climate-related-policies/jcr_content.stream/1601913513888/ee9d5d46202fa4f3b325253360e85cac584670ae/external-climate-policy-positions.pdf)

Shell fully supports the EU Green Deal's target to achieve climate neutrality by 2050 and the proposal for a greenhouse gas reduction target of at least 55% by 2030<sup>4</sup>. This is a very challenging target that will require implementing measures to accelerate existing low- and zero-carbon technologies and infrastructure, and to support European industrial competitiveness, cost effectiveness and social fairness. We have publicly endorsed the inclusion of these targets into the European Climate Law. Clear and legally binding targets will make the transition irreversible and help provide the business base for investment in clean energy. Beyond the 2030 and 2050 targets, Shell advocates a strengthening of the EU Emissions Trading Scheme and an increase of the renewable targets in the Renewable Energy Directive so they can both be aligned with the 2030 and 2050 climate targets.

In April 2020, Shell published the Scenario Sketch – A Climate Neutral Europe by 2050<sup>5</sup>, which sets out a possible pathway to decarbonize the European energy system by 2050. Sketch anticipates that 60% of the energy system will need to be electrified, with renewables providing 75% of the electricity. We also see a role for other renewable and lower carbon liquids and gases to decarbonize hard to abate sectors that at present cannot be fully electrified. We also see an important role for gas in the transition, which will require strong regulation to tackle methane emissions upstream and a framework to accelerate investments in renewable and low carbon gases such as hydrogen. Shell believes that hydrogen will need to provide at least 10% of the energy for the EU to achieve NZE by 2050.

We believe that responsible engagement between the private sector and political stakeholders is an important part of effective policymaking. We have deep technical expertise in a range of relevant areas, and we are often asked by governments, international organisations, non-governmental organisations, industry associations and wider society to share our views.

Shell aims to be at the forefront of the drive for greater corporate transparency, including on corporate political engagement. We are guided by the Shell General Business Principles, which outline our approach to political activities<sup>6</sup>. These state when dealing with governments, Shell companies have the right and the responsibility to make our position known on any matters, which affect us, our employees, our customers, our shareholders or local communities in a manner, which is in accordance with our values and the Business Principles. We are committed to ethical behaviour, integrity and responsibility in political engagement. We have published a statement about our approach to corporate political engagement, including responsible lobbying, on our website.

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<sup>4</sup> [https://www.shell.com/sustainability/transparency/advocacy-and-political-activity/advocacy-releases/\\_jcr\\_content/par/tabbedcontent/tab/textimage.stream/1600394124047/26fb200bd17b1f184b700c22f630893e25f0ce72/shell-statement-on-the-european-commission-announcement-to-raise-the-eu-2030-ghg-emission-target-to-en-sept-2020.pdf](https://www.shell.com/sustainability/transparency/advocacy-and-political-activity/advocacy-releases/_jcr_content/par/tabbedcontent/tab/textimage.stream/1600394124047/26fb200bd17b1f184b700c22f630893e25f0ce72/shell-statement-on-the-european-commission-announcement-to-raise-the-eu-2030-ghg-emission-target-to-en-sept-2020.pdf)

<sup>5</sup> [https://www.shell.com/energy-and-innovation/the-energy-future/scenarios/scenario-sketches/new-sketch-a-climate-neutral-eu/\\_jcr\\_content/par/relatedtopics.stream/1587034457359/dad7b112d536241e759584da50430cfade845d39/scenario-sketch-a-climate-neutral-eu-by-2050.pdf](https://www.shell.com/energy-and-innovation/the-energy-future/scenarios/scenario-sketches/new-sketch-a-climate-neutral-eu/_jcr_content/par/relatedtopics.stream/1587034457359/dad7b112d536241e759584da50430cfade845d39/scenario-sketch-a-climate-neutral-eu-by-2050.pdf)

<sup>6</sup> [https://www.shell.com/about-us/our-values/\\_jcr\\_content/par/relatedtopics.stream/1572622107415/f3e59c06223516799f4a2d5fe63b824839f3a4f3/shell-general-business-principles-2014.pdf](https://www.shell.com/about-us/our-values/_jcr_content/par/relatedtopics.stream/1572622107415/f3e59c06223516799f4a2d5fe63b824839f3a4f3/shell-general-business-principles-2014.pdf)  
[https://www.shell.com/promos/sustainability/political-engagement-statement/\\_jcr\\_content.stream/1611074483913/26cf11a209cf2d3cdcf3172b62dc4e3544d5158c/cpe-final-January-21-2021.pdf](https://www.shell.com/promos/sustainability/political-engagement-statement/_jcr_content.stream/1611074483913/26cf11a209cf2d3cdcf3172b62dc4e3544d5158c/cpe-final-January-21-2021.pdf)

We have also published our Industry Association Climate Reviews (2019 report<sup>7</sup> and 2020<sup>8</sup> update) on our website. These set out our principles for participation in industry associations, an overview of our climate-related policy alignment with key industry associations and a summary of payments to these associations.

More widely, our Tax Contribution Report<sup>9</sup> is an important move for Shell towards greater transparency around our approach to paying taxes, and aims to offer a deeper understanding of our principles and actions in this area.

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<sup>7</sup> [https://www.shell.com/promos/sustainability/industry-association-climate-review-2019/jcr\\_content.stream/1554466210642/0a46ab13e36e99f8762ebb021bd72decec2f47b2/final-industry-association-climate-review-april-2019.pdf](https://www.shell.com/promos/sustainability/industry-association-climate-review-2019/jcr_content.stream/1554466210642/0a46ab13e36e99f8762ebb021bd72decec2f47b2/final-industry-association-climate-review-april-2019.pdf)

<sup>8</sup> [https://www.shell.com/promos/sustainability/industry-association-update-april-2020/jcr\\_content.stream/1586971582111/96afdef2ff0a78fc9f2106b9239655bd07beeca6/industry-associations-climate-review-update.pdf](https://www.shell.com/promos/sustainability/industry-association-update-april-2020/jcr_content.stream/1586971582111/96afdef2ff0a78fc9f2106b9239655bd07beeca6/industry-associations-climate-review-update.pdf)

<sup>9</sup> <https://reports.shell.com/tax-contribution-report/2019/#vanity-aHR0cHM6Ly93d3cuc2hlbGwuY29tL3RheGNvbnRyaWJ1dGlbnJlCG9ydC5odG1s>

Prot. n. 9/2021  
Milano, 5<sup>th</sup> February 2021

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To the kind attention of  
Mr. Barnaby Pace  
[bpace@globalwitness.org](mailto:bpace@globalwitness.org)

Dear Mr. Pace,

I'm replying to your letter of January 29th with regards to Anigas and its associated company Eni.

Anigas, the National Association of the Gas Industry, represents a large part of the Italian natural gas industry and brings together companies engaged in the entire supply chain: storage, transport, distribution, regasification, sale of natural gas on retail and wholesale market and trading.

About the first point and the questions related to the fossil industry and the contribution that gas companies can give to decarbonization pathways, Anigas and its associated companies are fully committed towards the European targets on the climate change. We believe that the gas value chains can offer a contribution to the energy system in terms of sustainability, security of supply and flexibility. Gas can be a low-carbon alternative to solid fossil fuels and a valuable support to the renewable energy, as well as an effective and efficient support to decarbonization in the transitional phase. Our companies are committed to providing the necessary gaseous solutions to meet the EU's 2030 and 2050 objectives and share the aim of the sustainable energy system.

Regarding the other statements and allegations, Anigas has no direct information about the ongoing court proceedings relating to Eni and its management, but we trust our associate Eni has provided the judicial authority with all evidences available to support their case. Further, Eni executives holding significant positions in Anigas are not the subject of such judicial proceedings.

Having said that, the points you raise in your letter are currently just allegations dealt with in legal proceedings. We believe it is inappropriate to make any comment before the outcome of such proceedings and, on the contrary, we believe that the publication of such allegations is inappropriate and detrimental to the reputation of Eni, damaging also Anigas and the gas industry that the Association represents.

Anigas will therefore assess any actions required to be taken to protect its image and reputation.

Best Regards.



Marta Bucci  
General Director

Dear Mr Pace,

In response to your letter from 29 January 2021, let me underline that BusinessEurope does not represent the views of individual companies, but speaks on behalf of the whole business community carefully balancing all positions. As a recognised social partner, we speak for all-sized enterprises in 35 European countries whose [national business federations](#) are our direct members.

BusinessEurope supports the EU Green Deal and Europe's ambition to become climate neutral by 2050. To make this happen successfully, it is essential to enable an inclusive transition for all sectors and companies, investing to improve their environmental impact in line with this long-term common goal. All the relevant positions expressing our balanced views are available on our [website](#). As far as Eni is concerned, please allow me to refer to the publicly available detailed energy transition plan announced one year ago (see <https://www.eni.com/en-IT/investors/strategic-plan.html>).

With regard to Ms Emma Marcegaglia, she has been President of BusinessEurope from 2013 until 2018. In this capacity, she has always been extremely esteemed by our members, reputed for her expertise and has been particularly respected for her impartial approach in representing the views of the entire business community across sectors.

Best regards,

Markus J. Beyrer

**Markus J. Beyrer**  
DIRECTOR GENERAL



Thank you for your letter. We have taken a careful look and would share the below response from Cefic:

*Cefic's purpose is to represent Europe's chemical industry as a whole, therefore we do not typically comment on individual activities of members, nor speculate beyond our sector mandate. Since 2015 the European chemical industry has been unambiguous in its full support for the Paris Climate Agreement and Cefic came out early [in support of the European Green Deal](#) and Europe's ambition to become climate neutral by 2050. Moreover, since 1990, Europe's chemical industry has reduced its total greenhouse gas emissions by 61%. We know that more needs to be done, as highlighted by our [Mid-Century Vision](#), and the chemical industry plays a vital role in producing many of the Green Deal solutions for Europe, therefore our main task is working with stakeholders to help make Europe a hotspot for investments into climate neutral and circular technologies.*

Kind regards,  
Maiju Huhtaniska



**Roosa-Maiju Huhtaniska**  
Media & Communications Manager, Public Affairs  
European Chemical Industry Council - Cefic aisbl  
Rue Belliard 40 B15, 1040 Brussels



Eurogas  
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Global Witness  
The Green House  
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4 February 2021

RE: Opportunity to comment regarding Eni and EU gas advocacy

Dear Mr Pace,

I am writing to you regarding the letter that you sent to Eurogas regarding Eni and EU gas advocacy. Thank you for reaching out and providing us with an opportunity to comment on your forthcoming publication.

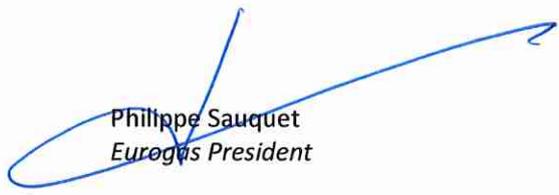
Eurogas is the organization representing the mid and down-stream European Union gas industry and as such, we have a strong commitment to delivering on the European Union's climate ambitions. We fully support a climate neutral EU in 2050 and a target of at least 55% carbon reductions by 2030. We believe that renewable and decarbonised gas will have a crucial role in achieving these ambitions, which is why we also call for a target of 20% GHG intensity reduction of gaseous fuels by 2030 and a sub-target of 11% renewable gas in final demand by 2030. In this regard we are fully committed to the European climate agenda and actively support increasing renewable energy consumption and reducing GHG emissions.

Eurogas' role is to develop and promote sustainable solutions to the climate crisis and our board, elected by the members, is strongly committed to that objective. In addition to supporting the EU's climate goals, Eurogas promotes the smooth functioning of the European internal gas market and provides structured, transparent information relating to the energy transition in gaseous fuels.

As your letter correctly states, the points you raise are all allegations under scrutiny in legal proceedings before the courts. I am sure you will understand that it is improper for Eurogas to comment on matters that are currently subject to an ongoing legal process.

We remain available otherwise and would be pleased to discuss the work of Eurogas and the role of gaseous fuels in the energy transition with you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Philippe Sauquet", is written over the typed name and title. The signature is fluid and extends across the width of the text.

Philippe Sauquet  
Eurogas President

Dear Barnaby,

Many thanks for your letter addressed to Iman. I'll respond on behalf of IOGP, but before I do that I wanted to thank you for giving us the opportunity to comment, much appreciated.

Regarding your points 2 to 9 which relate to ongoing proceedings, please note that IOGP's policy is to abstain from commenting on ongoing trials or judicial proceedings which have not yet been closed, and does not prejudge of their outcome.

We're disappointed to see you overlook IOGP's [open support](#) for the EU's climate neutrality objective, and our call for the implementation of enabling measures to help achieve it. We hope you will mention this in your upcoming report. Natural gas already plays an undeniably strong role in enabling and facilitating the energy transition at national, regional and global levels, by replacing coal power and providing grid flexibility for the integration of renewables. Contrary what your letter suggests, upstream investments to replace depleting fields are needed because climate neutral societies will still use oil & gas for a wide range of purposes, often times in a non-burnable manner, while residual emissions are removed and sequestered as projected in the most ambitious climate scenarios of the [European Commission](#), [IPCC](#) the [IEA](#).

We engage with all policymakers with the respect they are due and within the framework of the EU transparency rules. Global Witness' call to limit or ban the oil & gas sector's right and duty, as a stakeholder, to engage constructively in the policymaking process should be rejected by all stakeholders and lawmakers alike, as it would set a grave precedent endangering due democratic process.

I'd like to thank you again for giving us the ability to comment, and hope you will reconsider your text accordingly.

Best regards,

Nareg

Dear Mr Pace,

Thank you for your request for comment on your letter.

PlasticsEurope is the pan-European association of plastics manufacturers, with close to 100 members producing over 90% of all polymers across Europe. As such, we are unable to comment on individual members' activity, in respect of compliance laws and regulations. With regard to the role of companies' representatives in PlasticsEurope, please refer to our website [here](#).

With regards to our role in shaping the climate policy framework, as an industry we are committed to ensuring that plastics continue to deliver societal benefits without having a negative impact on the environment or health. And we are determined to implement long-lasting positive change.

In doing so, we support the objectives set-out in the Paris Agreement and the European Union's ambition to achieve climate-neutrality by 2050 (read our Position Paper "PlasticsEurope views on EU Climate Neutrality" available on our website [here](#)). Therefore, we endorse the environmental objectives set forth by the European Commission and EU governments; we commit to support the current programmed legislative schedule to be maintained.

Furthermore, PlasticsEurope supports the ambitions of the Green Deal to make industries in Europe circular. As an industry, we are in full transition to a circular economy and work with public and private stakeholders to significantly increase reuse and recycling, reduce waste and improve recycling infrastructure. This circularity is an essential component in plastics playing a key role in the EU Green Deal.

I trust you will positively consider our response.

Kind regards,  
Virginia Janssens

**Virginia JANSSENS**  
Managing Director  
PlasticsEurope



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Deputy Secretary-General - Chief Operating Officer

Brussels  
SG.DSG1/PL

Dear Mr Pace,

Thank you for your letter of 29 January 2021 addressed to the President of the European Commission who has asked me to reply.

The European Green Deal is the centrepiece of the EU's economic strategy and post-COVID recovery. It will guide the transformation to a sustainable and climate neutral society by 2050 and the Commission remains fully committed to implementing all aspects of the European Green Deal.

In response to the specific items mentioned in your letter, the Commission would like to explain the following:

1. According to Article 11 of the Treaty on European Union, the institutions of the Union shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

Companies and associations which are active in, or related to, the fossil fuel sector are part of this dialogue and these consultations. They are affected by the EU policies on the European Green Deal and have a right to make their views heard. Moreover, many companies in the energy sector have diverse interests and have diversified their energy production, which often includes renewable energy sources. It would therefore be a simplification to reduce their role to one single aspect of their activities and interests.

Readiness to read or listen to others' views does not necessarily mean political agreement, but is an essential part of democracy in the Commission's view.

2. Ms Tocci is a special adviser to the High Representative/Vice-President Borrell. According to her CV, which is publicly available, Ms Tocci has a great number of activities, namely as Director of the 'Istituto Affari Internazionali' which is according to publicly available information a cultural association established in 1980 as a moral entity by decree of the President of the Italian Republic. In addition to this function, she is also a member of the board of several entities or networks, as listed in her CV.

Mr Barnaby Pace  
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Ms Tocci's special adviser contract fixes the period of work at a maximum of three days for the contractual period from 8 July 2020 until 31 March 2021. Concerning the implementation of the rules and mitigating measures to which you refer and which are adequate to protect the general interest, the Head of Cabinet of the High Representative/Vice-President has clarified that both the High Representative/Vice-President and his Cabinet are well aware of Ms Tocci's other professional activities and the mitigating measures. He has underlined that Ms Tocci has never been in contact with the High Representative/Vice-President on any issue related to the companies for which she works.

3. As regards the 'serious allegations of criminality' which you mention, the Commission trusts that the public authorities of the Member States investigate thoroughly whether such allegations are substantiated and will react appropriately in line with the rule of law if such allegations are established. The Commission is not in a position to comment on this.

4. As regards correspondence with the Commission, I would like to recall that every citizen of the Union may write to any of the Union institutions or bodies and have an answer according to Article 24 of the Treaty on the Functioning of the EU.

As regards meetings, it is largely at the discretion of the Members of the Commission whether they meet someone or not. However, the Commission applies a comprehensive transparency policy on interest representation to allow the tracking of activities of interest representatives and to protect its Members and staff from undue lobbying practices. As part of this policy, the Commission requires Members of the Commission, their Cabinet members, Directors-General and Heads of Service to meet only interest representatives who are enrolled in the Transparency Register, and publishes information on such meetings on the Europa website and in the profile of interest representatives in the Transparency Register. In their lobbying activities targeting Members of the Commission or staff, registered interest representatives are required to adhere to the ethical and behavioural rules and principles set out in the code of conduct applying to the Register.

5. As regards the redaction of personal data in replies to requests for access to documents, it is a standard administrative practice, in line with the relevant legislation on access to documents in conjunction with the applicable rules on the protection of personal data, to disclose only the names of the organisations met, but not the names of the individuals concerned, unless where certain specific conditions are met. This does not prevent Commissioners or organisations to publish more information, notably when other communication activities related to the meeting have been agreed or take place on both sides. I note that, in the present case, the communication activity in relation to the meeting seems to have provided you with the information you were looking for.

6. The Commission's transparency policy is far reaching and, as mentioned above, provides information on meetings which took place with the persons directly involved in the decision-making process of the Commission.

Moreover, the Commission's decision-making process is strongly protected against undue influence by a thorough preparation of decisions between several departments of the Commission, a legal scrutiny by the Commission's Legal Service and by the collegial character of the actual decision-making in the Commission. The latter relies on 27 Members chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt. In carrying out their responsibilities,

Members of the Commission shall be completely independent and shall neither seek nor take instructions from any Government or other institution, body, office or entity.

The Commission submits legislative proposals which are afterwards discussed and adopted by the European Parliament which is directly elected by the citizens and the Council of the European Union in which the democratically elected governments of all Member States are represented. Legislation is always published, states reasons for its adoption, can be contested in independent courts and can be amended in the future in case of different political views. The insinuation of opaque influence does therefore not stand scrutiny in my view and should not replace a political debate on policies based on arguments for or against a policy choice made by the Commission or the Parliament and Council as legislators.

Yours sincerely,

Pascal Leardini