Subject: Your application for access to documents – Ref GESTDEM No 2021/6938

Ref.: Ares(2021)7004554, 15/11/2021

Dear Ms Kettlewell,

We refer to your message dated 29/10/2021 in which you make a request for access to documents, registered on 15/11/2021 under the above mentioned reference number.

Please note that due to the scope of your request, your request has been attributed to several Directorates-General. This reply relates only to the documents held by the Directorate-General for Energy. You have received or will receive the reply from the other respective Directorates-General in due course.

You request access to the following documents:

1. List of meetings/video calls/calls between 1st December 2020 and 6th May 2021 between officials and/or representatives of the European Commission and stakeholders where the issue of EU taxonomy for sustainable activities was addressed, especially regarding the implementation of gas and nuclear in this regulation.
2. Minutes of the meetings/video calls/calls mentioned above.
3. List of meetings/video calls/calls between 1st April 2021 and 6th May 2021 between officials and/or representatives of the European Commission and stakeholders where the issue of the implementation of gas and nuclear in the Taxonomy Regulation was addressed, especially information related to the discussion on the JRC report (Ref.Ares(2021)1988129 – 19/03/2021), assessing DNSH aspect of nuclear energy consistent with specification Articles 17 and 19 of the Taxonomy Regulation.
Your application concerns the following documents:

- Meeting notes_ENER-BP_taxonomy_23032021;
- Meeting notes_ENER-Gas Naturally_Taxonomy_13042021;

In addition, a list of various meetings and calls with stakeholders was prepared and is attached as well.

With regard to the documents (2 documents) listed above, 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.

These documents were drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for Energy. They solely reflects the authors’ interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

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
In addition to the above mentioned we would like to provide you with the following additional explanations regarding these documents.

The Directorate General for the Energy does not hold complete lists of meetings of its officials with external stakeholders, apart from the lists of meetings of the Director General as well as the Commissioner in charge of energy and her Cabinet, which are publicly available.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

However, in an attempt to provide you information on the contacts we had with stakeholders, where taxonomy was discussed, we have prepared and can provide you a list of meetings/videoconferences/calls that we have identified, which were held during the required period, and would correspond to the type of contacts with stakeholders covered by your request (noting it is not exhaustive).

For most of these contacts with stakeholders we do not have minutes, for the reasons explained below. In a few cases there are short meeting reports – which have been included in the annexes. The reason for not keeping minutes or a strict evidence of what was discussed is linked to the content of these discussions, most often focused on providing more clarity on existing information, and only exceptionally covering new elements on substance.

Concerning the taxonomy, the most relevant exchanges with the stakeholders took place through the public consultation, and the replies received are public and available online here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12302-Climate-change-mitigation-and-adaptation-taxonomy/feedback?p_id=16015203

Following a public consultation, the input received from various stakeholders is assessed by the Commission services, and eventual adjustments can be proposed to the text that was subject to public consultation – however, these proposed adjustments are only discussed internally (i.e. they are not discussed with stakeholders).

There were some contacts initiated by stakeholders – often willing to explain their concerns more in detail, or to obtain more clarity on the process and the following steps. In addition, taxonomy was mentioned in several discussions with a much wider scope, without being the main focus. Such discussions on taxonomy with stakeholders provide an opportunity to stakeholders to explain their position (already submitted in the public consultation) or highlight what they consider to be the main points in their submission, to make sure the Commission has understood their concerns. Such meetings or calls do not require comprehensive minutes as most often they do not bring any additional information on substance, compared to the reply of the stakeholders during public consultation. From the Commission side, the information provided during these meetings is normally limited to information on the process and timeline, or eventually clarifying the text that was published for public consultation.

Yours sincerely,

Miguel GIL TERTRE
Head of Unit

Electronically signed on 24/06/2022 16:26 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121