

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

Directorate B - Natural Capital
ENV.B.2 - Biodiversity

Brussels, 9 June 2016
ENV B.2/RH/ai Ares(2016) **26 82 883**

***By registered letter
with acknowledgment of receipt***

Ms Andrea Brock
Kallweg 2, 50354 Huerth, Germany

Advance copy by email: 'Andrea
[ask+request-2803-
25fdd80b@asktheeu.org](mailto:ask+request-2803-25fdd80b@asktheeu.org)

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2016/2072

We refer to your e-mail dated 20 April 2016 in which you make a request for access to documents, registered on 21 April 2016 under the above-mentioned reference number, and to our letter of 13 May 2016.

You request access to the following documents:

"List of all meetings relating to the No Net Loss working group and initiative since 19. June 2013 outside of the scheduled working group meetings between the Commissioner for Environment and/or his cabinet and/or officials and/or representatives of DG Environment and representatives from Biotope, Eftec, the Biodiversity Consultancy, IUCN, Forest Trends, BBOP, the Environment Bank Ltd, Eurelectric, Euromines, La Farge, CEFIC, HeidelbergCement, World Business Council for Sustainable Development, (WBCSD), COPACOGCECA, MissionMarkets, PrimeSolutions Securities Inc., Birdlife, EIB, European Seaports Organisation, in which the issue of biodiversity, biodiversity offsetting/trading, habitat/environment banking, no net loss, mitigation hierarchy and/or a similar term was addressed;

- minutes and reports of the meetings mentioned above; and

- all correspondence (including email) relating to the No Net Loss working group and initiative since 19. June 2013 between the Commissioner for Environment and/or his cabinet and/or officials and/or representatives of DG Environment and representatives from Biotope, Eftec, the Biodiversity Consultancy, IUCN, Forest Trends, BBOP, the Environment Bank Ltd, Eurelectric, Euromines, La Farge, CEFIC, HeidelbergCement, World Business Council for Sustainable Development (WBCSD), COPACOGCECA, MissionMarkets, PrimeSolutions Securities Inc., Birdlife, EIB, European Seaports Organisation, in which the issue of biodiversity, biodiversity offsetting/trading, habitat/environment banking, no net loss, mitigation hierarchy and/or a similar term was addressed"

The following documents related to your request are already publicly available online:

- All individual responses to the public consultation on a future EU NNL initiative (05/06/2014 to 17/10/2014) which are available on the DG Environment webpage: http://ec.europa.eu/environment/nature/biodiversity/nnl/results_en.htm

Please note that some respondents have explicitly asked to remain anonymous. In these cases, the parts of the questionnaire indicating the identity of the respondent have been blanked out.

- A letter from over 60 organisations and almost 10,000 citizens to Commissioner Potocnik published by the initiative on: <http://naturenotforsale.org/letter2eu/>.

The Commission's response to this letter is enclosed in Annex 2 to this letter.

- Two earlier requests for access to documents held by the European Commission, which constitute correspondence in the sense of your information request, submitted by the applicant via the public online platform asktheeu.org and answered by the Commission via the same channel:

https://www.asktheeu.org/en/request/2020_biodiversity_strategy#incoming-3604
https://www.asktheeu.org/en/request/contact_between_dg_env_and_stake

Please find in Annex 1 a list of further documents concerned by your application.

Some of the documents to which you have requested access contain personal data, in particular names, e-mails and telephone numbers.

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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, 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 the documents requested expunged from this personal data.

¹ Official Journal L 8 of 12.1.2001, p. 1

² 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.


In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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

Finally, I am happy to be informed of the meeting scheduled between you and my services later this month. I am confident this will be useful for your research objectives.

Yours sincerely,



Stefan LEINER
Head of Unit

Annex 1: list of documents concerned by Request 2016/2072

Annex 2: documents concerned by Request 2016/2072

Annex 1: List of documents concerned by Request 2016/2072

TITLE	Date	Ares number
1. Agenda and briefing for the Workshop on EU No Net Loss Policy Options, 3rd July 2013, Brussels	01/08/2013	Ares(2013)2805540
2. Request to give a keynote speech at the international No Net Loss summit on 3-4 June 2014, London	29/11/2013	ca.10.cab staff(2013)3891340
3. EBL comment on IEEP study 'Policy Options for an EU NNL Initiative'	02/05/2014	Ares(2014)1431010
4. REPLY to EBL comment on IEEP study 'Policy Options for an EU NNL Initiative'	16/05/2014	Ares(2014)1581070
5. Meeting between DG ENV officials and representatives of the German Industry Federation (BDI)	08/09/ 2014	Ares(2014)3309554
6. Letter from over 60 organisations and nearly 10,000 citizens calling on the European Commission to drop plans on Biodiversity Offsetting	17/10/2014	ca.10.cab staff(2014)3819524
7. REPLY to letter from over 60 organisations and nearly 10,000 citizens calling on the European Commission to drop plans on Biodiversity Offsetting	23/10/2014	Ares(2014)3520898
8. Copa-Cogeca letter regarding the public consultation on the future EU NNL initiative	23/10/2014	Ares(2014)3527468
9. REPLY to Copa-Cogeca letter regarding the future EU NNL initiative	31/10/2014	Ares(2014)3625460
10. Information request about NNL Working Group	20/01/2015	Ares(2013)2708610
11. IUCN/CAB RE: Invitation to the Conference - Fitness Check of EU Nature Legislation (note: there is no trace of any further conversation with IUCN on this topic)	17/09/2015	Ares(2016)2664377