

EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT

The Director-General

22. 08. 2013

Brussels,  
ENV B02 LL/oe Ares (2013)

Ms Hannah Mowat

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**Subject: Your application for access to documents – Ref GestDem No 2013/3306**

Dear Ms Hannah Mowat,

We refer to your e-mail dated 19 June 2013 in which you make a request for access to documents, registered on 20 June 2013 under the above mentioned reference number as well as to our letters no 2629686 and env.b.2(2013) 2989775 dated 10<sup>th</sup> July 2013 and 1 August 2013.

In your application you have requested access to:

1. a list of all meetings relating to the No Net Loss working group and initiative (begun in February 2012) - 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;
2. minutes and reports of the meetings mentioned above;
3. all correspondence (including email) relating to the No Net Loss working group and initiative (begun in February 2012) 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.

Please note some documents falling under the scope of your request were sent to the Commission by third parties. In compliance with Article 4(4) of the Transparency

Regulation (Regulation 1049/2001) we consulted them whether they agree with potential disclosure of these documents.

Please find below the results of our consultation:

1. Correspondence with Forest Trends
2. Habitat Banking Exploratory Workshop (7 July 2011)
3. Correspondence with Birdlife
  - a. Email
  - b. Development of operational principles of any proposed EU no net loss initiative – Draft 22 February 2013
  - c. Possible NNL Management and Support Instruments listed by members of the EU NNL Working Group
4. Correspondence about Comments and reactions following the fifth NNL WG meeting and the BBOP Workshop
  - a. Email
  - b. Comments and questions from EURELECTRIC - Following the 5th NNL WG meeting (23th of May 2013)
5. Correspondence about NNL WG action points following 23/05 meeting
  - a. Email
  - b. Subgroup NNLI Scope Objectives - Draft v5 21June13 Emnes
  - c. Development of operational principles of any proposed EU no net loss initiative – Draft 22 June 2013
  - d. 2NNL\_Operational\_20130619\_Emines\_clean
  - e. Possible NNL Management and Support Instruments listed by members of the EU NNL Working Group
6. Correspondence about NNL wg - comments on documents
  - a. Email
  - b. Scope and objectives of the no net loss initiative
  - c. NNL\_Operational\_20130506\_BL\_EEB\_7june2013
7. Correspondence about NNL WG
  - a. Email
  - b. Scope and objectives of the no net loss initiative

- c. Scope and objectives of the no net loss initiative\_TC
  - d. Report on adjustment of comment on v3
- 8. Correspondence about No Net Loss Working Group : Glossary
  - a. Email
  - b. NNLi Glossary 16apr2013
- 9. Correspondence about No Net Loss Working Group : Glossary
  - a. Email
  - b. NNLi Glossary 01juli2013
- 10. Correspondence about NNL operational principles
- 11. PowerPoint presentation on Restoration presented
- 12. to the CEEBWeb Workshop Offsets on 27/03/2012

Please note that these documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Some of the documents listed above contain names of individuals that qualify as personal data. Thus, these references are blanked out in compliance with the applicable provisions of Regulation No 45/2001 on the processing of personal data read in conjunction with Article 4 (1)(b) of Regulation No 1049/2001 on access to documents.

One of the identified documents in the relevant correspondence was the personal notes of a third party referred to in the email of 8 July disclosed under point 1 above. The third party opposes the disclosure of personal notes under Article 4(1)(b) as it would undermine personal privacy and integrity. However, the report of the meeting is disclosed under point 2.

Having carefully examined the document and your request in the light of Article 4(2) of Regulation 1049/2001, I have been unable to identify for this particular document the existence of an overriding public interest which could justify its disclosure. I have also examined the possibility of granting partial access to the document, in accordance with Article 4(6) of Regulation 1049/2001. However, partial access is not possible considering that the document is covered in its entirety by the exception under Article 4 (1) (b).

However, if you want this position to be reviewed you should write to the Commission's Secretary-General at the address below, confirming your initial request. You have 15 working days in which to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn.

The Secretary-General will inform you of the result of this review within 15 working days from the registration of your request, either granting you access to the documents or confirming the refusal. In the latter case, you will be informed of how you can take further action.

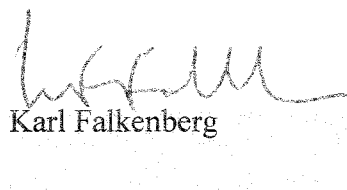
All correspondence should be sent to the following address:

**The Secretary-General**  
**European Commission**  
**B-1049 BRUSSELS**  
**[sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)**

In addition, please find enclosed a list of meetings which had been held between Commissioner Potočník and/or his Cabinet and the organisations you refer to in your request.

Concerning documents which might be held by the cabinet of Commissioner Potočník and might fall under the scope of your request, you will receive additional communication in the second half of September 2013.

Yours faithfully,



Karl Falkenberg

**List of meetings held between Commissioner Potočnik and/or his Cabinet and the organisations referred to in request Ref GestDem No 2013/3306**

**BirdLife**

1. Meeting between Commissioner Janez Potočnik and "Green 10", March 2010, September 2010, 3 May 2011, 7 December 2012;
2. Meeting with the members of the BirdLife Global Council 02/06/2010;
3. Meeting with NGOs on biodiversity for CBD COP 10 in Nagoya/Japan, 30 September 2010;
4. Meeting with NGOs on biodiversity for CBD COP 11 in Hyderabad/India, 1st October 2012;
5. Meeting with NGOs on 7 February 2011, to discuss interface Biodiversity strategy/ CFP reform, Participants: BirdLife, WWF EPO, EEB, Maja Kirchner (CAB Damanaki), Matthias Buck, Laure Ledoux and Anna Cheilari (ENV B.2 and D.2);
6. Meeting with Birdlife International and Elena Visnar Malinovska, Commissioner Potocnik – 18 May 2011;
7. Meeting with NGOs (BirdLife and EEB) on 26 November 2012. Participants: Matjaž Malgaj, Zoltán Rakonczay (Commission), BirdLife Europe, European Environmental Bureau.
8. Video message from Commissioner Potocnik for a promotional video on Natura 2000 Day under the LIFE Project "Conéctate a la Red Natura", celebrated on 21 May 2013;
9. Video message from Commissioner Potocnik for BirdLife International World Congress, 17-21 June 2013 in Canada.

**Eurelectric**

1. Meeting with Eurelectric, 10 May 2010, Participants COM: Commissioner Janez Potočnik, Matjaž Malgaj (Deputy HoCAB), Filip François (ENV.C3). Eurelectric.

**WBCSD**

1. Meeting of Commissioner Potocnik with WBCSD on 9 January 2012, also present Matjaz Malgaj – Member of Cabinet Potocnik, Timo Makela – DG ENV.
2. Meeting of Commissioner Potocnik with WBCSD on 8 January 2013; EC: Mr Potocnik, Malgaj, Neale.

## **IUCN**

1. Meeting with IUCN and Commissioner Potocnik, 16 June 2010, EC: Marta Kaczynska, DG ENV, Vesna Valant, CAB Potocnik;
2. Commissioner Potocnik gave speech at the launch of The IUCN Red List of Threatened Species™, 21 November 2011;
3. Meeting with IUCN and Commissioner Potocnik, 4 October 2012, Participants: CAB member Vesna Valant, Thomas Koetz DG ENV B2
4. Commissioner opening high-level debate organized by IUCN and BirdLife "Understanding and addressing the problem of Invasive Alien Species in Europe", 21 February 2013.

## **Heidelberg Cement and La Farge**

1. Dinner with European Minerals Forum (focus on the Commission's Communication "Options for an EU Vision and Target for Biodiversity beyond 2010" and the Implementation of EU Legislation aiming at the conservation of biodiversity) 14th April 2010, Commissioner Potocnik present.

## **EIB**

1. Meeting EIB and member of Cabinet Vesna Valant, March 15, 2010, before the meeting Commissioner on 22nd March 2010;
2. Meeting with EIB in the context of MFF, assessing options for maximising the impact of EU budget and EIB's activities, 1st April 2011. Participants: EIB and Comm. Potocnik, M. Malgaj, L. Ledoux, A. Vakrou (Commission);
3. Meeting with the European Investment Bank, 18 June 2013

## **CEFIC**

1. Meeting on 22 March 2010.
2. Meeting with CEFIC on 2 March 2011;
3. Meeting of Commissioner Potočník with CEFIC on 22 November 2011.