Subject: Your application for access to documents – Ref No GestDem 2018/3184

Dear Madam,


As you were informed by email of 12 June 2018, your initial request was split among several Directorates-General as follows: DG ENV - Gestdem 2018/3184; DG ENER - Gestdem 2018/3185; DG GROW - Gestdem 2018/3186; DG COMP - Gestdem 2018/3187 and JRC - Gestdem 2018/3188.

This reply relates only to the documents of DG ENV.

In your message you request access to the following documents:

1) All documents addressing potential environmental emissions or other environmental matters related to the Paks II project, the safety and reliability of the VVER reactor design and any reports indicating whether or not the technical and safety requirements of the project could only have been met by one company;

2) Along with the agendas of public officials' engagements, we are requesting access to the lists of inter-service consultations, meetings, minutes of meetings and identification of
the meetings' participants, along with staff memos and documents justifying opinions and conclusions.

3) Our request covers internal consultations during the preparatory and formal phases of both proceedings; it also covers complete documents and extends to the authors of submissions and declarations of conflicts of interests.

In addition, you have requested all EURATOM assessments of the 2017 adoption of measures that effect the ability to enforce nuclear safety measures and any legal analyses of the environmental license granted domestically for the project.

The services of DG ENV do not hold any documents that would correspond to the description given in your application. In fact, DG ENV is not responsible for nuclear safety issues. Moreover, concerning the potential environmental impacts of the project, DG ENV understood from the Hungarian authorities that they had carried out a full Environmental Impact Assessment (EIA) procedure in this case, in accordance with the requirements of the EIA Directive (2011/92/EU). An environmental license was subsequently issued on 29 September 2016 and became final on 5 October 2017. However, DG ENV did not carry out any "legal analyses of the environmental license granted for the project". In this context, it has also to be recalled that it is for the competent national courts and not for the Commission to review the legality of an environmental licence. The EIA Directive contains specific provisions on access to justice enabling concerned citizens and NGOs to challenge the legality of such decisions.

As specified in Article 2(3) of Regulation (EC) 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of a service or an institution. Given that no such documents, corresponding to the description given in your application, are held by DG ENV, it is not in a position to handle your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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

Yours faithfully,

Daniel Calleja