Subject: Your application for access to documents – Ref GestDem No 2018/73186

Dear Ms Mauro,

Thank you for your e-mails dated 15 May 2018 and 6 June 2018 in which you make a request for access to documents in accordance with Regulation (EC) No. 1049/2001 ("Regulation 1049/2001"). As you were informed by email of 12 June 2018, your initial request was split among several Directorates-General. This reply relates only to the documents of DG GROW.

In your messages 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.

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

DG GROW notes, that in the past you have already submitted on behalf of Nuclear Transparency Watch a request for access to documents on 8 December 2016 (registered under GestDem 2016/7131), in relation with the Paks 2 Nuclear Power Plant project.

Indeed, in your first application, you requested access to the documents connected to the legal assessment of infringement proceeding 2015/4231 initiated by the Commission against Hungary with regard to the public procurement process for the Paks Nuclear Power Plant refurbishment and new reactor construction. In addition you also requested the Commission to provide any additional documentation related to the investigation that may be available under Regulation 1049/2001, including the legal analyses conducted by the Commission services, internal notes and documents, correspondence and reports.

DG GROW has identified 28 documents as falling within the scope of your first request. Full access was provided to two of these documents and wide partial access was provided to the remaining 26 documents.

Furthermore, DG GROW was in the past in charge of two other similar requests relating to the public procurement process for the Paks Nuclear Power Plant refurbishment, which considered together seem to cover the same scope as your request. Following the examination of the documents requested under these two different applications, DG identified 13 documents as falling within the scope of the first application and 3 documents within the scope of the second application. Please find the list of these documents in the Appendix. At that time, the access to these documents was not granted as their disclosure was prevented by exceptions to the right of access laid down in Regulation (EC) No 1049/2001 regarding public access to documents.

In the interest of good administration, we are reassessing if the current legal and factual circumstances could lead to the release of these documents. This requires further analysis and consultations with others DGs, likewise the third parties, which are still ongoing.

In an open spirit, we are also analysing if the extensive interpretation of your request could not lead to the identification of other documents.

Therefore, I can assure you that once this analysis and consultations have been finished, we will inform you if any more documents have been identified.

Yours faithfully,

Lowri EVANS

[Signature]