



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
JOINT RESEARCH CENTRE  
Director-General

Brussels,  
JRC.A4/CRS/Ares(2020)

Mrs Rebecca Vaughan  
40, Bermondsey Street  
London

*By registered letter with acknowledgment of receipt*  
*Advance copy by email: [ask+request-7839-  
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Dear Mrs Vaughan,

**Subject: Your application for access to documents – Ref. GestDem No 2020/2024**

We refer to your application dated 8 April 2020, in which you make requests for access to documents, registered on 9 April 2020 under the above-mentioned reference number.

Your application concerns the following documents: the responses from all stakeholders to the consultation on the EU Ecolabel first technical report, published in March 2019.

We have identified 57 documents falling under the scope of your request. 51 stakeholders participated to the consultation under the form of comments inserted directly in the BATIS platform and six of them have taken the opportunity to send a separate annex.

I regret to inform you that access to these documents cannot be granted under the provisions of Regulation (EC) No 1049/2001 regarding public access to document. Disclosure is prevented by an exception to the right of access laid down in Article 4(3) of this Regulation. Indeed, the documents you seek to obtain form part of the decision-making process of the institution, and their disclosure is likely to undermine this process.

The first consultation on the EU Ecolabel for financial products led by the JRC in 2019 used the EU Survey platform. The survey was open to everybody and raised general questions. You made a request for access to documents last year to get access to the answers, and, as a fair solution, 19 answers were sent to you after their authors had given their agreement to the disclosure.

In 2020, the second consultation on the EU Ecolabel for financial products was carried out on the BATIS online consultation platform. Its functioning required stakeholders who wished to follow the process of criteria development run by the JRC to register formally, by asking the JRC to be added to the mailing list. The stakeholders were then enrolled to use the online consultation platform BATIS. Draft documents for consultation with stakeholders were posted on BATIS forum and stakeholders were invited to comment on them by authorising (or not) use of the content they selected and included directly. Each stakeholder prepared its own individual set of comments and could not see the comments posted by other stakeholders, which were only retrievable by the administrators of the

platform as an overall commented version (comments are recorded automatically by the platform on that document).

Once submitted, these comments were analysed by the JRC. Any reference to the comments in subsequent revisions of the technical reports was made in an aggregated or anonymised form in a commented aggregated version and at no point in the process were the individual comments of each stakeholder from BATIS disclosed or identifiable.

The use of the BATIS online consultation platform allows for an open and cooperative environment, in which involved stakeholders can share their experience and knowledge to fulfil the objective pursued by the European Commission within the framework of Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel. We consider that disclosure of the stakeholders' comments at this stage would seriously undermine the possibility to get frankly-expressed and complete views from them, in a climate of mutual trust, essential to discussions which aim at developing a functional and successful ecolabel legislation for financial products.

Interested parties have many opportunities to follow and to take part actively to the development of a EU Ecolabel. Annex I of Regulation on EU Ecolabel sets the procedure for the development and revision of EU ecolabel criteria. It describes the different steps: the preliminary report, the proposal for draft criteria and associated technical report, the final report and the draft criteria, as well as the manuals for potential users and competent bodies, and for authorities awarding public contracts. Any interested party can send its opinion answering to consultations on the reports adopted and can also participate to open working group meetings.

We have considered whether partial access could be granted to the document requested. However, if we were to expunge all personal data and confidential information of the comments, they would become meaningless or illegible.

The exceptions laid down in 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We have examined whether there could be such an interest but we have not been able to identify it.

In accordance with Article 7(2) of Regulation (EC) No 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 Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management and Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Stephen QUEST  
Director-General