



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels
ENV.E.1/MN

Mr Matas Lasauskas
Movement against Astravyets NPP
J. Tumo-Vaižganto 5-4
LT-01108 Vilnius
*By registered letter with
acknowledgment of receipt¹*

Advance copy by email: ask+request-7867-0e92dea9@askthecu.org

Dear Mr Lasauskas,

Subject: Your application for access to documents – GESTDEM 2020/2444

We refer to your e-mail of 17 April 2020 in which you make a request for access to documents under Regulation (EC) No 1049/2001 regarding public access to documents² as well as under Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention³, registered on 24 April 2020 under the above-mentioned reference number.

You request access to “*any documents on the issues related to Belarus nuclear power plant project in Astravyets (NPP Astravyets), its nuclear safety and security and its adverse environmental, economic and the security of energy supply effects as well as possible adverse impact on the stability of energy supply and transmission systems in the Union. (...)*”. The request also concerns any documents testifying the actions

¹ According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

² Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

³ Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p.13).

requested from, initiated by and deployed through the Union bodies to mitigate those adverse effects. The request in particular concerns issues, linked to the Astravyets NPP project and related, *inter alia*, to the environmental protection – the Espoo Convention and the Aarhus Convention.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General⁴. This reply relates only to the documents held by Directorate-General for Environment. You received the replies from the other respective Directorates-General in due course.

The Commission was not able to identify any documents related to the Aarhus Convention that would fall under the scope of your application.

The following documents related to the Espoo Convention fall within the scope of your application:

- **Letter** regarding the Espoo Meeting of the Parties (MOP), Reg. number: Ares(2017)3303144 – 30.06. 2017.
 - **Sender** Minister of Environment of the Republic of Lithuania Mr. Kęstutis Navickas, 30.06.2017.
- **Reply** to letter of the Minister of Environment of Lithuania regarding Espoo MOP, Reg. number: Ares(2017)3726523 – 25.07.2017.
 - **Sender:** VELLA Karmenu (JU-CA-14), 25.07.2017.
- **Email:** The intermediary session of the Meeting of the Parties of the Espoo Convention (February, 5-7) - decision on Belarus, Reg. number: Ares (2019)298719 – 18.01.2019, with the following attachments:
 - Conclusion No98, EIA of the Belarusian NPP;
 - Edict of the President for the construction of the NPP;
 - Notification letter to the Lithuanian authorities.
 - **Sender:** Mission of the Republic of Belarus to the European Union.
- **Letter** to EC President JC Juncker and Commissioners Vella and Arias Cañete co-signed by 12 MEPs regarding the Belarus obligations under the Convention related to the nuclear power plant in Ostrovets NPP (Espoo MOP), Reg. number: Ares(2019)596845 – 01.02.2019.
 - **Sender:** ROPE Bronis (European Parliament), GUOGA Antanas (European Parliament), BENEDEK Javor (European Parliament), RIVASI Michele (European Parliament), TRÜPEL Helga (European Parliament), BALCYTIS Zigmantas (European Parliament), HÄUSLING MARTIN (European Parliament), DURAND Pascal (European Parliament), FARIA José Inácio (European Parliament), BLINKEVIČIŪTĖ Vilija (European Parliament), SAUDARGAS Algirdas (European Parliament), LEINEN Jo (European Parliament), 01.02.2019.

⁴ GestDem 2020/2040: DG ENER and JRC; GestDem 2020/2444: DG ENV; GestDem 2020/2445: OIB/Historical Archives; GestDem 2020/2446: SG.

- **Response to a letter** to EC President JC Juncker and Commissioners Vella and Arias Cañete co-signed by 12 MEPs regarding the Belarus obligations under the Convention related to the nuclear power plant in Ostrovets NPP (Espoo MOP), Reg. number: Ares(2019)1092146 – 21.02.2019.
 - **Sender:** VELLA Karmenu (JU-CA-14), 21.02.2019.
- **Letter** of the Ambassador of Belarus to Commissioner Arias Cañete, Belarusian nuclear power plant case, Reg. number: Ares(2019)592439 – 01.02.2020, which includes the following annexes:
 - Non-paper Belarusian NPP, and
 - Non-paper draft decision on compliance of Belarus with the Espoo Convention.
 - **Sender:** Mission of the Republic of Belarus to the European Union, 01.02.2020.
- **Response to a letter** of the Ambassador of Belarus to Commissioner Arias Cañete, Belarusian nuclear power plant case, Reg. number: Ares (2019)1728817 – 15.03.2019.
 - **Sender:** CALLEJA CRESPO Daniel (Director General, DG Environment).
- **Letter** concerning the Ostrovets NPP in Belarus, Reg. number: Ares(2019)2969717 – 03.05.2019.
 - **Sender:** LINKEVICIUS Linas (Ministry of Foreign Affairs LT), VAICIUNAS Zygimantas (MINISTRY OF ENERGY OF THE REPUBLIC OF LITHUANIA), NELIUPSIENE Jovita (Permanent Representation of Lithuania), 03.05.2019.
- **Response to a letter** concerning the Ostrovets NPP in Belarus, Reg. number: Ares(2019) 4216553 – 03.07.2019.
 - **Sender:** ARIAS CAÑETE Miguel (JU-CA-13); VELLA Karmenu (JU-CA-14) ; HAHN Johannes (JU-CA-10), 03.07.2019.
- **Briefing**, Subject: *Meeting with Audra Plepyte, Director of the Lithuanian Foreign Ministry, EU Department*, 15.03.2017, Ref. number: ENV/136.
- **Briefing**, Subject: *Meeting with Mr. Kęstutis Navickas, Minister of Environment, Lithuania*, 04.12.2018, Ref. number: ENV/1064.
- **Briefing**, Subject: *Meeting with LT Lithuanian Minister of Environment, Mr Kęstutis Navickas and LT Minister of Energy, Mr Žygimantas Vaičiūnas* Ref. number: CAB/VELLA 962, 20.12.2018.
- **Briefing**, Subject: *Meeting with Mr Robertas Rosinas, Deputy Permanent Representative, Lithuania*, 10.01.2019, Ref. number: ENV/1145.
- **Briefing**, Subject: *Mission to Lithuania, together with Commissioner Andriukaitis*, Ref. number: CAB/VELLA 1009, 08.02.2019.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that all of the below documents can be disclosed:

- **Letter** of the regarding the Espoo Meeting of the Parties (MOP), Reg. number: Ares(2017)3303144 – 30.06. 2017.
 - **Sender** Minister of Environment of the Republic of Lithuania Mr. Kęstutis Navickas, 30.06.2017.
- **Reply** to letter of the Minister of Environment of Lithuania regarding Espoo MOP, Reg. number: Ares(2017)3726523 – 25.07.2017.
 - **Sender:** VELLA Karmenu (JU-CA-14), 25.07.2017.
- **Email:** The intermediary session of the Meeting of the Parties of the Espoo Convention (February, 5-7) - decision on Belarus, Reg. number: Ares (2019)298719 – 18.01.2019, with the following attachments:
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 - **Sender:** Mission of the Republic of Belarus to the European Union.
- **Letter** to EC President JC Juncker and Commissioners Vella and Arias Cañete co-signed by 12 MEPs regarding the Belarus obligations under the Convention related to the nuclear power plant in Ostrovets NPP (Espoo MOP), Reg. number: Ares(2019)596845 – 01.02.2019.
 - **Sender:** ROPE Bronis (European Parliament), GUOGA Antanas (European Parliament), BENEDEK Javor (European Parliament), RIVASI Michele (European Parliament), TRÜPEL Helga (European Parliament), BALCYTIS Zigmantas (European Parliament), HÄUSLING MARTIN (European Parliament), DURAND Pascal (European Parliament), FARIA José Inácio (European Parliament), BLINKEVIČIŪTĖ Vilija (European Parliament), SAUDARGAS Algirdas (European Parliament), LEINEN Jo (European Parliament), 01.02.2019.
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 - **Sender:** Mission of the Republic of Belarus to the European Union, 01.02.2020.
- **Response to a letter** of the Ambassador of Belarus to Commissioner Arias Cañete, Belarusian nuclear power plant case, Reg. number: Ares (2019)1728817 – 15.03.2019.

- **Sender:** CALLEJA CRESPO Daniel (Director General, DG Environment).
- **Letter** concerning the Ostrovets NPP in Belarus, Reg. number: Ares(2019)2969717 – 03.05.2019.
 - **Sender:** LINKEVICIUS Linas (Ministry of Foreign Affairs LT), VAICIUNAS Zygimantas (MINISTRY OF ENERGY OF THE REPUBLIC OF LITHUANIA), NELIUPSIENE Jovita (Permanent Representation of Lithuania), 03.05.2019.
- **Response to a letter** concerning the Ostrovets NPP in Belarus, Reg. number: Ares(2019) 4216553 – 03.07.2019.
 - **Sender:** ARIAS CAÑETE Miguel (JU-CA-13); VELLA Karmenu (JU-CA-14); HAHN Johannes (JU-CA-10), 03.07.2019.

Some parts of these documents have been blanked out as their disclosure is prevented by releasing personal data. This is based on the exception outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001 and because these documents contain the following personal data:

- The names and initials and contact information of Commission staff members not pertaining to the senior management;
- The names/initials and contact details of other natural persons;
- Handwritten signatures/abbreviated signatures of natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

We would like to draw your attention to the fact that the documents registered under Ares (2017)3303144 and Ares (2019)2969717 originate from the Lithuanian authorities, and the documents registered under (Ares (2019)298719 and Ares (2019)592439 originate from the Belarusian authorities. They are disclosed to you based on Regulation (EC) No 1049/2001. The European Commission does not assume any responsibility from their reuse.

The disclosure of the remaining 5 documents (i.e. briefings) is prevented by the exception of the right of access laid down in Article 4(1)(a) third indent of Regulation (EC) No 1040/2001. According, to this provision “*the institutions shall refuse access to a document where disclosure would undermine the protection of (a) the public interest as regards [...] international relations*”. The non-disclosed documents are related to the Ostrovets NPP compliance case, which is still open under the Espoo Convention. The

forthcoming Meeting of the Parties to the Espoo Convention (8-11 December 2020, Vilnius) will address this specific case in a follow-up decision. The disclosure of these documents, at this stage, would undermine the EU external representation and international relations.

Lastly, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them.

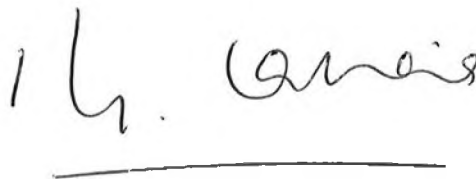
In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Calleja', is written above a horizontal line.

Daniel CALLEJA CRESPO

Enclosure: List of documents disclosed under request GestDem 2020/2444.