



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Director-General

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Ms Zsuzsanna Koritar
Hungary

By email only:
ask+request-1198-
7afc4000@asktheeu.org

Subject: Your request for access to documents – GESTDEM 2014/0965

Dear Ms Koritar,

We refer to your e-mail dated 17 February, in which you made a request for access to all documentation related to the notification by the Hungarian authorities of the PAKS nuclear power plant. Your request was registered on 20 February under the above mentioned reference number.

Following your e-mail of 25 February, in which you clarified further which documents you were interested in, my services have identified the following documents as being covered by your application:

1. Letter of Notification from the Hungarian authorities
2. Draft Agreement between the government of the Russian Federation and the government of Hungary on cooperation in peaceful use of nuclear energy
3. Letter from the Commission to the Hungarian authorities acknowledging receipt of the notification
4. Letter from the Commission setting out its views on the draft agreement under Article 103 EURATOM

Since some of the documents concerned originated from the Hungarian authorities, these authorities have been consulted. In their reply, the authors of the documents objected to disclosure and motivated their position with reference to one of the exceptions listed in Regulation (EC) No 1049/2011 regarding public access to European Parliament, Council and Commission documents. They cited in particular the exception contained in Article 4(1), third indent, of that Regulation, relating to the protection of the public interest as regards international relations. They claim that there are ongoing negotiations of additional relevant agreements closely linked to the Intergovernmental Agreement between Hungary and the Russian Federation on cooperation in the peaceful use of nuclear energy.

With regard to the Commission's own documents, we consider that since these documents contain information which reproduces the contents of the documents originating from Hungary, their disclosure would likewise undermine the protection of the same interests cited by the Hungarian authorities in their letter.

Consequently, following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 and taking into account the opinion of the Hungarian authorities, I regret to inform you that your application cannot receive a positive answer, as disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation.

While on this occasion your request cannot be acceded to, I would like to point out however that the following documents relating to this procedure have already been published by the Hungarian authorities:

- Text of the agreement signed by Hungary and the Russian Federation as tabled in the Hungarian Parliament: <http://www.parlament.hu/irom39/13628/13628.pdf> (available in Hungarian and Russian);
- Correspondence between the Hungarian authorities and the Commission with regard to the PAKS nuclear power plant:
<http://www.kormany.hu/download/2/d2/31000/BarrosoJoseManuel20140123.pdf>
and
<http://www.kormany.hu/download/0/e2/31000/Jos%C3%A9%20Manuel%20Barros%C3%B3%20levele%20Orb%C3%A1n%20Viktornak.pdf>

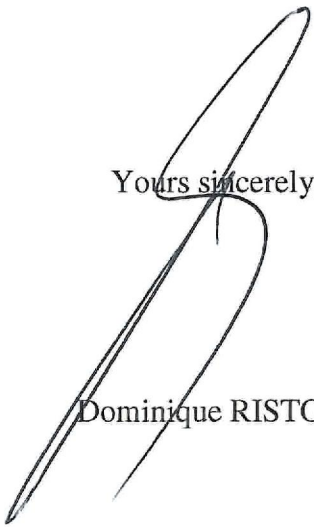
Finally, I would like to inform you that in accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its position.

Such a confirmatory application should be addressed within 15 working days from 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 5/327
B-1049 Bruxelles

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

Yours sincerely,


Dominique RISTORI