



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
The Director-General

Brussels  
CLIMA.DG01/RAM

Lars Mai  
c/o Dr. Daniel Gerber MdL  
GRÜNES Quartier, Abgeordnetenbüro  
Heinrichstraße 9  
04317 Leipzig  
Germany

Advance copy by email: ask+request-  
8214-b8f8b1d0@asktheeu.org

**Subject: Your access to documents application – Ref. Gestdem 2020/3801**

Dear Mr Mai,

We refer to your e-mail dated 13 June 2020 in which you make a request for access to documents, registered on 23 June 2020 under the above-mentioned reference number.

In your application you requested access to “the non-aggregated, machine-readable public data of the EU Transaction Log (EUTL)”.

In your application, you acknowledged that the requested data is publicly available on the website of the EUTL<sup>1</sup> and clarified that you request “*only the data that is already publicly available and published on the website according to Annex XIV to the Registry Regulation shall be made available in a machine-readable and non-aggregated form*”.

We regret to inform you that DG CLIMA does not hold the document requested in the required format.

The requested data is displayed on the public website of the EU Transaction Log database (EUTL), which also contains a large amount of non-public data. The EUTL system does not allow for the extraction of the requested data by means of any routine search function or IT functionalities.

---

<sup>1</sup> <https://ec.europa.eu/clima/ets/>

According to the settled case-law<sup>2</sup>, only data that can be normally or routinely extracted from a database constitutes a document that may be subject of an application for access to documents under Regulation (EC) 1049/2012.

Therefore, considering that the requested data cannot be normally or routinely extracted from the EUTL, I conclude that such data does not constitute a ‘document’ under the Regulation (EC) No 1049/2001.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

Nevertheless, considering the fact that the public website of the EUTL does not allow for a complete download of data displayed there, the Directorate-General for Climate Action published in bulk the publicly available transactions in the EUTL (i.e. transactions executed until 1 May 2017). Moreover, the installation-level compliance data is published annually. This information can be accessed in the link below, under the heading “Reports”:

[https://ec.europa.eu/clima/policies/ets/registry\\_en#tab-0-1](https://ec.europa.eu/clima/policies/ets/registry_en#tab-0-1)

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 & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-signed)

Mauro PETRICCIONE

---

<sup>2</sup> Judgment of the General Court of 22 October 2011, *Dufour v ECB*, T-436/091, EU:T:2011:634, paragraph 153.