



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels
CNECT.R.4

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Registered letter with acknowledgement of receipt

Subject: Your request for access to documents - GestDem 2022/0079

Dear Mr Fanta,

We refer to your email of 6 January 2022 in which you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation 1049/2001’), registered on the same day under the above-mentioned reference number. We also make reference to our holding reply, dated 28 January 2021, our reference Ares(2022)670475, whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

By your application, you request access to the following:

‘[...] Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

- All documents explicitly mentioning or otherwise relating to the practice of crypto-currency mining, as well as relating to the energy consumption of crypto-currencies such as Bitcoin or Ethereum. My request includes all communication with stakeholders on the subject, including e-mails and minutes of meetings and briefing notes. [...]’

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

The following documents have been identified as falling within the scope your request:

- Energy Efficiency of Blockchain Technology – Report - Ares(2022)250022 (**Document 1**)
- Email of 30 August 2021 - EUBOF2.0 - Energy Efficiency Report - Ares(2022)249882 (**Document 2**)
 - Attachment:EUBOF_Energy_Efficiency_BC_3v0_20210830.docx (**Document 3**)
- Email of 24 September 2021 - "Energy Efficiency of Blockchain Technology" - FINAL VERSION - Ares(2022)249882 (**Document 4**)
 - Attachment:EUBOF_Energy_Efficiency_BC_6v0_20210921.docx (**Document 5**)
- Email of 29 July 2021 - EUBOF2.0: Status Update on "Energy Efficiency of Blockchain Technologies" Thematic Report - Ares(2022)249882 (**Document 6**)
- Email of 10 September 2021 - Blockchain Energy Efficiency Report - Ares(2022)249882 (**Document 7**)
- Email correspondence November 2021 – Sweden bitcoin mining - Ares(2022)250190 (**Document 8**)
- Back to Office Report - Meeting with Sweden's financial supervisor and environmental agency – 26/11/2021 - Ares(2022)250190 (**Document 9**)

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001 and taking into account the opinions of the third parties we have arrived at the conclusion that full access can be granted to three documents and partial access can be granted to six documents. Full disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001.

A. Full Access

Documents 1, 3 and 5 can be fully disclosed.

B. Partial disclosure

(i) Protection of privacy and integrity of individuals

Full disclosure of Documents 2, 4 and 6 - 9 is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- Names, functions and contact information of other natural persons.

Article 9(1)(b) of the Data Protection Regulation¹ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions,

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) Regulation 1049/2001, access cannot be granted to the personal data contained in the requested document, 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.

(iii) Protection of the decision-making process

The first subparagraph of Article 4(3) of Regulation 1049/2001 provides that ‘[a]ccess to a document, drawn up by an institution for internal use or received by the an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution’s decision-making process, unless there is an overriding public interest in disclosure.’

Document 9 was drawn up for internal use and parts of it contain preliminary views and reflections of the Commission services and other actors in the policy area of crypto currencies, for which a decision has not been taken yet. The Commission services must be free to explore all possible policy options in this area and the risk of disclosing information regarding the Commission services’ preliminary views on a matter where a decision has not been taken yet would deter them from freely expressing their opinions and having frank, informal discussions. Speculations and misinterpretations of the public on the views and reflections put forward in the context of preliminary and informal exchanges would affect the exploration of different policy options and unduly restrict the Commission’s internal space to think, exposing the Commission to external pressure. The risk of disclosure of these preliminary views and reflections would therefore seriously undermine the decision-making process for which a decision has not been taken yet. This risk is also reasonably foreseeable and not purely hypothetical.

Consequently, the above-mentioned parts of Document 9 have been blanked out.

4. OVERRIDING INTEREST IN DISCLOSURE

The exceptions laid down in Article 4(2) and Article 4(3) of Regulation 1049/2001 apply, unless there is an overriding public interest in the disclosure of documents. Such an interest must, firstly, be a public interest and, secondly, outweigh the harm caused by disclosure. We have examined whether there could be an overriding public interest in the disclosure of the aforementioned parts of the documents which are being withheld but we have not been able to identify such an interest.

bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

5. REUSE OF DOCUMENTS

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the disclosed Documents 9 and the parts of Documents 4 and 8 originating from the Commission free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that Document 9 was drawn up for internal use under the responsibility of the relevant services of DG CONNECT. It solely reflects the services' interpretation of the interventions made and does not set out any official position of the third parties to which the document refers. It does not reflect the position of the Commission and cannot be quoted as such.

Documents 1, 2, 3, 5, 7 and parts of Documents 4 and 8 originate from third parties. Please note that they are disclosed to you based on Regulation (EC) No 1049/2001. However, 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 originators, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

6. CONFIRMATORY APPLICATION

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 Bruxelles

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

Yours sincerely,

Electronically signed

Roberto Viola

Enclosures: (9)