



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, **23 FEB. 2016**
RB/ra ener.c.1(2016)383837

Access Info Europe
Calle Cava de San Miguel 8, 4c
28005 Madrid
Spain

By email:
ask+request-2475-849febec@asktheeu.org

Subject: Your request for access to documents (GESTDEM/2015/6687)

Dear Madam, Sir,

I refer to your e-mail of 17 December 2015 requesting access to documents under Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents and under Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 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. Your request has been registered under the above mentioned reference number.

In your application you requested all the documentation related to the Service contract ENER/C1/2013-412 – estimation of indirect land-use change emissions from bioenergy performed for the Commission by Ecofys¹. This includes (but is not limited to):

- The draft, interim, and final reports of the study;
- The correspondence from and to the Commission (especially with different stakeholders), internal correspondence within the Commission, minutes of working meetings, etc.

After thorough analysis I regret to inform you most of the documents you have requested, do not exist, such as correspondence from and to the Commission with different stakeholders, draft and final report of the study, as the work on all tasks of the study is still ongoing.

¹ <http://ted.europa.eu/udl?uri=TED:NOTICE:246800-2014:TEXT:EN:HTML#id1385574-VI>

The interim deliverables such as progress report or minutes of working meetings with the consultants carrying out the study may not be disclosed to you, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001 and in Article 6 of the Regulation (EC) No 1367/2006.

Disclosure of these documents would seriously undermine the protection of the decision-making process of the Commission. The work on any part of the study has not been finalised yet and the disclosure would reveal very preliminary views and potential policy options on aspects which are not regulated in the EU legislation.

You will appreciate that the Commission must be free to explore all possible options in preparation of any decision, without external pressure.

We have examined whether there could be an overriding public interest in disclosure, including by taking into account whether the information relates to emissions into environment. However, we have not been able to identify such an interest. Also, we have found no possibility for partial disclosure of those requested documents as these documents are entirely covered by the above described exceptions.

Therefore, the exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply to this document, also in accordance with the of Regulation (EC) No 1367/2006.

Taking into account the above, I consider that a refusal of access to these documents requested by you is justified.

If you wish this position to be reviewed, you should write to the Commission's Secretary-General at the address below, confirming your initial request. You have fifteen working days in which to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn.

The Secretary-General will inform you of the result of this review within 15 working days from the registration of your request, either granting you access to the document or confirming the refusal. In the latter case, you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary-General
European Commission
B-1049 BRUSSELS

Yours faithfully,


Dominique Ristori