



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Directorate D - Nuclear energy, safety and ITER  
D.1 - EURATOM co-ordination, legal matters and international relations

Luxembourg  
ENER.D.1/EK/fv(2020)S-3844251

Mr Matas Lasauskas  
Movement against Astravyets NPP  
J. Tumo-Vaižganto 5-4  
LT-01108 Vilnius  
*By registered letter with  
acknowledgment of receipt<sup>1</sup>*

Advance copy by email: [ask+request-7867-0e92dea9@asktheeu.org](mailto:ask+request-7867-0e92dea9@asktheeu.org)

Dear Mr Lasauskas,

**Subject: Your application for access to documents – GESTDEM 2020/2240**

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 documents<sup>2</sup> as well as under Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention<sup>3</sup>, 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. This in particular concerns the territorial areas of the Union, including but not limited to the territories neighbouring the Republic of Belarus and the Russian Federation, that may be affected by this project. This request also concerns all and any documents testifying the actions requested from, initiated by and deployed through the Union bodies to mitigate those adverse effects (...)*”.

Please note that due to the fact that your request also covers areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to

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<sup>1</sup> 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.

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

<sup>3</sup> 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).

other Directorates-General<sup>4</sup>. This reply relates only to the documents held by the Directorate-General for Energy. You will receive the replies from the other respective Directorates-General separately.

Due to the wide scope of the request, a considerable number of documents held by the Directorate-General for Energy could potentially fall within the scope of this access request. However, the experience acquired whilst preparing the reply to your request clearly demonstrated that document search, document processing, document review, consultation of other Directorates-General, and seeking consent of third parties for all documents potentially falling within the scope of this request required a considerable administrative effort, interfering with the ability of the service to undertake its normal duties. Furthermore, many documents, and in particular briefings may vary little within a given time frame. Therefore, we have identified 15 documents for disclosure which in our view correspond most directly to your request. You will find the table listing the identified documents attached. We trust that these documents will satisfy your request. Should this not be the case, please let us know by email to [ENER-D1@ec.europa.eu](mailto:ENER-D1@ec.europa.eu).

Having examined these documents under the provisions of Article 4 of Regulation (EC) N°1049/2001, we have come to the conclusion that document n° 1 can be fully disclosed, whereas documents n° 2-15 can be partially disclosed, either due to removal of material out of scope of the request GESTDEM 2020/2240 (n° 3, 6, 8, 9) or due to the requirement to protect personal data (n° 2-5, 7, 9-15).

Complete disclosure of the documents containing personal data as indicated above is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because these documents contain the following personal data:

- the names/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 documents n° 7, 10, 13 and 15 originate from the Lithuanian authorities, and documents n° 11 and 14 originate from

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<sup>4</sup> GestDem 2020/2445: JRC, GestDem 2020/2444: DG ENV, GestDem 2020/2446: Secretariat General, GestDem 2020/055 EEAS

Belarusian authorities. 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 originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please note that the Directorate-General for Energy has not had discussions falling within the scope of the request with either IAEA or WENRA. All final documents of the European Nuclear Safety Regulators Group (ENSREG) are published on the ENSREG website ([www.ensreg.eu](http://www.ensreg.eu)).

Furthermore, we have not included the National Report of the Republic of Belarus on the Belarusian NPP stress tests (annex to document n° 13) due to the size of the document and to the fact that it is publicly available and can be downloaded from the ENSREG website.

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 documents disclosed 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.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

(e-signed)

Hans RHEIN  
Head of Unit

Enclosure: List of documents disclosed under request GestDem 2020/2240  
15 documents fully or partially disclosed in a zip file

