



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Director-General

Brussels, 07 May 2013
PL/ENER/B1/OV/(2013)955518

Mr Ray Conroy Kevin Scully
Chairperson Secretary
Laois Wind Energy Awareness Group

Dear Mr Conroy,

In reaction to your request for access to documents of 1 April 2013 (registered under the reference GESTDEM **2013/1822**) made under Regulation (EC) 1049/2001¹, I can now inform you as follows:

As regards the preparation for the identification of projects of common interest (PCI) under the Regulation on Guidelines for Trans-European Energy Infrastructure², you have asked for information held by the Commission regarding Electricity Project E156 (Greenwire).

With the approval of the project promoter, we can disclose the content of the submission questionnaire to third parties. Nonetheless, in reference to the personal data of the project promoters, we would like to clarify a few points. We cannot provide the details of any named individuals. Such details are considered to be personal data according to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data³. The privacy statement for the initial submission of project information⁴ states that "*No personal data is transmitted to parties which are outside the recipients and the legal framework mentioned.*"

Please find in Annex the questionnaire of the Electricity project E 156.

Secondly, concerning the requested clarification as regards the organization of a Public Consultation for Projects of Common Interest which included E 156, I inform you as follows:

¹ OJ L 145 of 31 May 2001, p. 43;

² OJ L 115 of 25 April 2013, p. 39;

³ OJ L 8 of 12 January 2001, p. 1-22;

⁴ http://ec.europa.eu/energy/infrastructure/consultations/doc/20120607_non_tyndp_projects_privacy_statement.pdf;

The Public Consultation on the list of projects submitted to be considered as potential Projects of Common Interest in energy infrastructure was open between 20 June 2012 and 4 October 2012. Its objective was to seek views on the list of all the projects that have been submitted to be considered by the working groups as potential PCIs. The methodology used for launching and running the public consultation complied with the Commission's Minimum Standards on Consultation (COM (2002)704 / 11.12.2002 – *"Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission"*).

Taking into consideration the principles that the above-mentioned Communication sets out in order to ensure adequate awareness-raising publicity and to adapt its communication channels to meet the needs of all target audiences, the applied procedure complied with the following provisions: *"Without excluding other communication tools, open public consultations should be published on the Internet and announced at the 'single access point'. [...] For this purpose, the Commission will use the 'Your-Voice-in-Europe' web portal"*. Thus, the call for public consultation was published on the official website of the European Commission⁵ and was announced on its single access point for public consultations "Your Voice in Europe" web portal⁶. It provided the access of the public to an online questionnaire, as well as a postal mail address where comments and contributions could be submitted.

By the end of the consultation, 142 responses were received and were subsequently presented to the regional working groups, which consist of Member States representatives, national regulatory authorities, project promoters and representatives of the European Commission. These comments were taken into consideration when assessing the projects.

In parallel with the public consultation, another communication tool used by the Commission was the organization of an Information Day on the process of identifying Projects of Common Interest (PCI) in energy infrastructure in Brussels on 17 July 2012. This event gave interested parties the opportunity to find out more about the PCI identification process and to put questions to a range of expert panellists⁷.

Moreover, we have to point out that regarding environmental issues, all questions related to specific projects are to be discussed during the national authorisation procedure, as this competence lies with the national permitting and environmental authorities and not with the European Commission. I would like to underline as well that the consultation launched by the European Commission does not prejudice any future consultations that will be carried out by the project promoter at project level according to EU and national legislation (e.g. SEA Directive, EIA Directive, Aarhus Convention), which requires public participation in decision-making. I would also like to stress that the Commission has introduced new rules, as part of the Regulation, on enhanced transparency and a call for citizens to be involved at a very early stage of the permitting procedure. The project developers are requested to carry out at least one public consultation before they submit a formal application for the permit. The objective is to render the permitting process more efficient while safeguarding the EU's high standards in environmental protection.

⁵ http://ec.europa.eu/energy/infrastructure/consultations/20120620_infrastructure_plan_en.htm;

⁶ http://ec.europa.eu/yourvoice/consultations/2012/index_en.htm;

⁷ http://ec.europa.eu/energy/infrastructure/events/20120717_energy_infrastructure_infoday_en.htm;

Thirdly, in answer to your enquiry to be afforded a meeting with appropriate representatives of various EU Bodies and Agencies, we would like to inform you, that following an access to documents request, a bilateral meeting with the Commission is normally not foreseen. Nevertheless, the Commission can propose a meeting to clarify outstanding issues in relation to the access of documents request.

With regard to the above, I consider that a partial refusal of access to the documents concerned is justified. In case you would wish to ask for a review of this position, you should inform the Secretary General of the Commission, on the below address, that you wish to confirm your original request for access to documents. You have fifteen working days as from receipt of the present letter to do so. In case you do not confirm your original application within this deadline, your request will be considered to be withdrawn.

The Secretary General will inform you within fifteen working days as from the registration of your confirmatory application of the result of the review, either by granting access to the documents concerned, or by confirming the refusal of disclosure. In the latter case, the Secretary General will also inform you about the possibilities for legal remedies that are available.

All correspondence in this respect should be sent to the following address:

The Secretary-General
European Commission
B-1049 BRUSSELS

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Philip Lowe', with a stylized flourish at the end.

Philip Lowe