

(English version)

**Question for written answer E-002307/26
to the Commission
Lynn Boylan (The Left)
(4 June 2026)**

Subject: Corporate influence on Delegated Act (EU) 2024/1364

Recent reports ⁽¹⁾ reveal that Article 5(5) of Delegated Act (EU) 2024/1364 was transposed almost verbatim from lobbying documents submitted by Microsoft and DigitalEurope. This Article imposes blanket confidentiality on individual data centre environmental metrics. However, Article 12 of the parent Energy Efficiency Directive explicitly aims to make this information publicly available. Furthermore, the Commission has reportedly discouraged Member States from fulfilling freedom of information and access to information on the environment requests regarding these metrics.

Given the Commission's mandate for interinstitutional relations and transparency:

1. How does the Commission justify a delegated act contravening the transparency provisions of a parent directive adopted by the co-legislators?
2. How is the Commission's active discouragement of public access to this data compatible with its legal obligations under the Aarhus Convention and the Charter of Fundamental Rights of the European Union?

Submitted: 4.6.2026

**Answer given by Mr Jørgensen on behalf of the European Commission
(19 August 2026)**

The Energy Efficiency Directive (EED) ⁽¹⁾ distinguishes between publicly available and non-public data, as well as the respective obligations of the Commission and Member States.

The Commission is required to establish a European database on data centres with data publicly available on an aggregated level. This obligation has been fulfilled through the creation of the European database ⁽²⁾ and a public dashboard ⁽³⁾.

Member States are required to define which specific data, data centres in their territory shall make publicly available. The Commission is examining whether Member States have correctly transposed the relevant EED provisions.

Delegated Regulation 2024/1364 ⁽⁴⁾ was prepared in line with Better Regulation rules and included transparent consultations of Member States and stakeholders.

The final text respects the EED legal base as well as the clear request by several Member States and stakeholders to ensure security and privacy of the reported data. In the Commission's view, the confidentiality of the data in the European database complies with EU law and the Aarhus convention.

¹ Schmidt, N. and Joyner, E., 'How Big Tech wrote secrecy into EU law to hide data centres' environmental toll', Investigate Europe, 17 April 2026, <https://www.investigate-europe.eu/posts/big-tech-data-centres-secrecy-eu-law-environment-footprint>.

⁽¹⁾ Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast), <http://data.europa.eu/eli/dir/2023/1791/oj>.

⁽²⁾ Commission Delegated Regulation (EU) 2024/1364 of 14 March 2024 on the first phase of the establishment of a common Union rating scheme for data centres, http://data.europa.eu/eli/reg_del/2024/1364/oj.

⁽³⁾ https://dashboard.tech.ec.europa.eu/qs_digit_dashboard_mt/public/sense/app/940a61c3-bcfe-47d6-a786-25d93aa63b85/sheet/ZLWpJa/state/analysis/bookmark/381456a5-1044-4047-92f5-671be7ad92c4.

⁽⁴⁾ https://eur-lex.europa.eu/eli/reg_del/2024/1364/oj/eng.