

COPY, PASTE, GOVERN

Microsoft ghostwrote EU policy that keeps data centres' energy use secret



Copy, paste, govern

Microsoft ghostwrote EU policy that keeps data centres' energy use secret

15.04.2026

TECH

The EU Commission's policy on data centres keeps information on individual centres' energy and water use under wraps. Research by Corporate and Europe Observatory and AlgorithmWatch, and published by Investigate Europe and media across Europe, reveals the Commission copied and pasted an amendment suggested by Microsoft and the lobby group Digital Europe. The aim? In the face of growing resistance, to prevent NGOs from obtaining information on energy-hungry data centres.

Since the AI Action Summit in Paris in February 2025 – attended by dozens of government leaders and business executives – the European Commission is increasingly focusing on

'winning the global AI race'. Soon after the summit, it launched its AI Continent Action Plan which aims to triple Europe's data centre capacity by 2030.

Fuelled by the AI boom, the Commission plans to relax permitting rules to make it easier for tech companies to build data centres, but their rapid expansion is already putting immense pressure on energy and water supplies and electricity grids, and threatens the EU's climate goals.

For example in the Dublin area, data centres already consume an extraordinary 50 per cent of the electricity supply, putting immense pressure on prices and grids for the rest of society. The energy demands are so high that there are now long waiting times for connection to the grid, so big tech data centres are increasingly being powered by on-site fossil gas generators. With Big Tech companies pouring hundreds of billions of euros into AI data centres, the International Energy Agency (IEA) projects that data centre electricity consumption will grow by 15 per cent per year — more than four times faster than consumption from other sectors.

The EU is trying to address this rising energy demand through the Energy Efficiency Directive (EED), which obliges tech companies to transparency on the power demand of data centres. However, new research by Corporate Europe Observatory and AlgorithmWatch shows that Microsoft played a key role in drafting a crucial article that largely makes this obligation an empty shell.

Data centres' energy use? Not your business

The Energy Efficiency Directive (EED) – passed in 2023 as part of the Green Deal – aims to improve energy efficiency across the EU. While the directive covers energy use across policy areas, Article 12 relates specifically to data centres. It aims to create minimum transparency requirements regarding energy consumption, water usage, and the use of renewable energy. In the face of greenwashing from the tech industry, increased transparency could help to dispel baseless claims made by companies and document the local impact of the global AI boom.

But while the Energy Efficiency Directive makes it clear that transparency is the standard, it leaves a crucial loophole by exempting information that is covered by trade and business secrets. A loophole that Big Tech was able to exploit.

In 2024 the EU Commission began drafting a 'Delegated Act on the rating scheme for data centres' to implement Article 12 of the Energy Efficiency Directive. Microsoft and the lobby organisation DigitalEurope submitted position papers to the Commission. In doing so, they closely coordinated with each other to lobby for the transparency requirements set out in the EED to be significantly weakened, and for the scope of trade and business secrets to be broadened to cover all data on individual data centres. Information was only to be made available at an aggregate level. In effect, this makes it impossible to know how much energy a specific data centre would use, making it significantly harder to document

the real-world consequences of building more data centres and their environmental impact.

It's important to note that the vast energy requirements of data centres are creating political backlash. Resistance campaigns are increasing, from locals objecting to skyrocketing electricity bills in [Ireland](#), to communities facing water scarcity in [Spain](#). In the United States, grassroots groups have substantially slowed down the data centre rush. According to one [estimate](#), at least \$156 billion across 48 projects were blocked or stalled in 2025. While Europe is still in the early stages of the data centre build out, Big Tech firms – who have staked billions on AI – have a key interest in creating roadblocks for this kind of growing opposition.

With this in mind, the reasons stated by Microsoft and DigitalEurope for blocking information on data centre energy usage are deeply troubling. Microsoft warned the Commission in its [submission](#) that raw data on individual data centres could be released in response to access-to-information requests from NGOs, including those relating to the energy use of data centres.

For instance, DigitalEurope [writes](#) that “storing this data within the Commission’s database raises concerns about potential reactive data publication in response to access requests from competitors and NGOs under existing transparency frameworks”.

Microsoft pushed the Commission to go even further by restricting access not just to EU-level information, but also by making it impossible to access this data at member state level. In its [submission](#), DigitalEurope adds that confidentiality requirements in the Energy Efficiency Directive are left unclear, and that the Delegated Act should ensure that information about specific metrics is “protected” from potential disclosure.

While it is unsurprising that Big Tech companies are uneasy with the prospect of having to reveal data centres’ staggering water usage and energy consumption, the extent to which the Commission subsequently bought into these arguments is shocking.

This article continues after the banner



Microsoft, the EU Commission’s ghost-writer

Both Microsoft and DigitalEurope proposed identical amendments to the Commission

regarding changes to the Delegated Act, with the aim of classifying all information on individual data centres as confidential and preventing its disclosure, even when requested under the EU's Access to Documents Regulation or the Aarhus Convention, which guarantees access to environmental data.

Alarming, the Commission simply copied and pasted these amendments into the Delegated Act. Recital 12 and Article 5.5 are essentially plagiarised from Big Tech lobbying documents – a particularly egregious and shocking example of corporate influence.

EU COMMISSION CAUGHT COPYING MICROSOFT



4a (new). The European database, Commission and Member States concerned shall keep confidential all information and key performance indicators communicated to the database pursuant to Article 3 and the sustainability indicators calculated in accordance with Annex III. Such information shall be considered confidential information affecting the commercial interests of operators and owners of data centres in accordance with Article 4(2) of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents and Article 4(2)(d) of Directive 2003/4/EC on public access to environmental information.



MICROSOFT

5. The Commission and Member States concerned shall keep confidential all information and key performance indicators for individual data centres that are communicated to the database pursuant to Article 3. Such information shall be considered confidential information affecting the commercial interests of operators and owners of data centres in accordance with Article 4(2) of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents and Article 4(2)(d) of Directive 2003/4/EC on public access to environmental information.

EU COMMISSION

SPOT THE DIFFERENCES - PART 1

Although a Delegated Act is not supposed to contradict the legislation it implements, this appears to be the case in this situation. While the Energy Efficiency Directive aims to make all information on data centres publicly available if it is larger than 500 kW, *unless* specific information falls under trade, business secrets, or confidentiality, the Delegated Act keeps *all* information on the key performance indicators of individual data centres under wraps.

EU COMMISSION CAUGHT COPYING MICROSOFT



New Recital 11a

Pursuant to Article 12(1) of Directive (EU) 2023/1719, the information of data centres subject to Union and national law protecting trade and business secrets and confidentiality must not be made publicly available. Article 12(3) also requires that the European database be publicly available on an aggregated level. Thus, it is necessary to introduce measures to ensure that the key performance indicators and other

Pursuant to Article 12(1) of Directive (EU) 2023/1791, the information of data centres subject to Union and national law protecting trade and business secrets and confidentiality must not be made publicly available. Article 12(3) also requires that the European database be publicly available on an aggregated level. Thus, it is necessary to ensure that the key performance indicators and other information reported to the European database are kept confidential.



EU COMMISSION

Microsoft reports and the
calculated sustainability
indicators of data centres are kept
confidential.

MICROSOFT



SPOT THE DIFFERENCES - PART 2

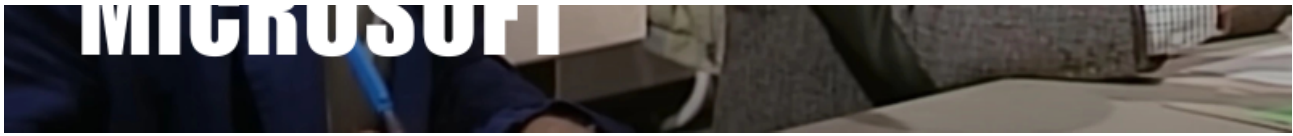
In April 2026, the Commission drafted a new Delegated Act to further implement rules on data centres and asked for feedback from stakeholders. However, in the draft, the Microsoft amendment is largely retained, which would further entrench secrecy in the EU's legal framework on data centres.

Problematically, Big Tech firms are also capitalising on their win at the EU level to call for diminished transparency within member states, too. In Germany, research from LobbyControl and Campact shows that Microsoft, Google, Amazon and the German digital lobby organisation Bitkom (whose EU lobby office is located in the same building as DigitalEurope), have been lobbying to classify information on individual data centres as a business secret by making explicit reference to "harmonisation" with the EU legislative framework.

As Big Tech companies are increasing their spending on lobbying and marketing in the face of mounting anger and resistance in opposition to the social and environmental costs of the AI boom, demands for transparency are multiplying. For instance, in the USA Democratic senators are demanding for electricity disclosures of data centres. More recently, dozens of investors have called for site-level data on water and energy use.

The EU Commission, however, has granted Big Tech an early win: crucial information on individual data centres' energy use, and their environmental and climate impact will be kept secret – despite the underlying directive explicitly calling for their publication. As the Commission is set to put the new 'updated' Delegated Act in force soon, the conclusion should be clear: the Commission has to redo its homework and delete the copy-pasted Microsoft amendment.





Related articles


29.10.2025

[Big Tech lobby budgets hit record levels](#)

Downloads

 [DigitalEurope position paper delegated act.pdf](#)

 [Microsoft position paper delegated act.pdf](#)

 [Delegated Act on a rating scheme for data centres.pdf](#)

Help us stay independent

We are a small team that works fully independently of funding from EU

institutions and corporations.

Every single donation helps us fight the hold of Big Business over the EU.

[Donate](#)