



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1

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Subject: Your application for access to documents – 2022/6719

Dear Sir,

We refer to your initial request registered on 22/11/2022 and to your email clarifying your request registered on 25/11/2022 under the above mentioned reference number.

Your request concerns:

- 1) A list of meetings covering the period 1. November 2021 to date between the Commissioner Breton, his cabinet and/or DG GROW AND representatives of European Automobile Manufacturers Association (ACEA), Verband Der Automobilindustrie, WindEurope, Euromines, Industrial Minerals Europe, European Raw Materials Alliance, European Battery Alliance, Eurolithium or Critical Raw Materials Alliance.*
- 2) Minutes and other report of these meetings.*
- 3) All correspondence between the aforementioned, including emails, covering the same period.*

We have identified 26 documents matching the scope of your request and that are presented in the enclosed table.

Having analysed your request in the light of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹, we consider access to the requested documents may be partially granted.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

Personal data protection:

A complete disclosure of the identified documents 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 they contain the following personal data:

- the names/initials, contact information and functions of Commission staff members not pertaining to the senior management.
- the names/initials, contact details and functions of other natural persons.
- other information such as signature relating to 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.

Commercial data protection:

A complete disclosure of documents 8 to 13 is also prevented by the exception concerning the protection of commercial interests outlined in Article 4(2) of Regulation (EC) No 1049/2001, because they contain commercially sensitive business information.

Revealing this information would undermine the commercial interests of the companies that submitted it and would affect their competitive position on the markets in which they operate.

Therefore, I conclude that, pursuant to Article 4(2) of Regulation (EC) No 1049/2001, access cannot be granted to the commercially sensitive business information contained in the requested document, 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 commercially sensitive business information concerned.

Decision-making process:

A complete disclosure of documents 9 is also prevented by the exception concerning the protection of the decision-making process outlined in Article 4(3) of Regulation (EC) No 1049/2001.

Parts of this document contain description of preliminary work and discussion of initiatives still at an early stage. Disclosure of these parts would undermine the protection of the decision-making process of the Commission as it would reveal preliminary views and policy options currently under consideration. The Commission's services must be

free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4 paragraph 3 of Regulation (EC) No 1049/2001 applies to this document.

The exceptions laid down in Article 4 paragraph 3 of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I have examined whether there could be such an overriding public interest in disclosure but have not been able to identify such an interest.

International relations protections:

A complete disclosure of document 13 is also prevented by the exception concerning the protection of public interests as regards international relations, outlined in Article 4(1)(a) of Regulation (EC) No 1049/2001.

Parts of this document mention third countries and related activities on which they are working in cooperation with Member States and the Commission. There is a concrete risk that the public disclosure of these parts would not only have a negative effect on the negotiating capacity of the European Union (EU) but also affect the mutual trust between the EU and these countries and thus undermine their relations.

Consequently, access to the requested documents must be refused as there is a real and non-hypothetical risk that their disclosure would undermine the public interest as regards international relations. Therefore, the exception laid down in Article 4(1)(a) of Regulation (EC) No 1049/2001 applies to this document.

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.

Please note that documents originating from third parties 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.

With regard to the meeting minutes with external parties, please also note that these documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on the content. They do not reflect the position of the Commission and cannot be quoted as such.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

or by mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Kerstin Jorna
Director-General
(electronically signed)

Annex: 27

² <https://www.ec.europa.eu/transparency/documents-request>