Subject: Your application for access to documents – Ref. EASE 2023/1894

Dear Ms Douo,

We refer to your e-mail of 24 March 2023 in which you make a request for access to documents, and to your e-mail of 03 April 2023 clarifying your request and registered on the same day under the above-mentioned reference number.

You initially requested access to:

“All correspondence relating to the European Critical Raw Materials Act between stakeholders and the Director-General and Deputy Director-Generals of DG GROW, Commissioner Breton and/or his cabinet, as well as minutes of any meetings that discussed this topic between stakeholders and the Director-General and Deputy Director-Generals of DG GROW, Commissioner Breton and/or his cabinet, since 1st September 2021.”

You further specified with your clarification:

“In response to your request for clarification, for the purpose of this request (EASE 2023/1894), you can consider stakeholder to mean interest representative, as per the definition in the EU Transparency Register of “organisations that try to influence the law-making and policy implementation process of the EU institutions” – ie companies, trade associations, etc. To narrow the scope of this request, I can clarify that I am more interested in companies involved in raw materials (and the trade associations/ lobby groups that represent them) rather than in NGOs. Specific entities to cover within this category include:

Euromines, European Steel Association (EUROFER), European Metals Association (Eurometaux), The European Copper Institute, Cobalt Institute, ERAMET, European Precious Metals Federation (EPMF), Critical Raw Materials Alliance, The Beryllium Science & Technology Association, European Carbon and Graphite Association, Alliance des minerais minéraux et métaux (A3M), Polish Steel Association, Jernkontoret (The Swedish Steel Producers Association), Finnish Battery Industries (Akkuteollisuus ry),

We have identified the enclosed 5 documents that fall within the scope of your request and that are presented in the enclosed table.

A complete disclosure of all documents, except for document 3, 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.

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.

Please note that minutes were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). They solely reflect the service’s interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which were not consulted on the content. They do not reflect the position of DG GROW and cannot be quoted as such.

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 document/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.
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 portal 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,

Laurence de Richemont
Head of Unit

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