To
Mr Matteo Civillini
by electronic mail

Subject: Your request for access to documents of 27 July 2023 and further clarifications on the scope of the request of 29 August 2023

EEAS ref: 2023/110

Dear Mr Civillini,

I would like to thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.¹

Following your application, we have searched for “any documents relating to the visit of EU Commissioners Jutta Urpilainen and Thierry Breton to Namibia in January 2023 [...] in which renewable/green hydrogen is mentioned or discussed” in the EEAS filing systems and document management databases.

After this search, the EEAS has identified the following documents matching your application, as referenced hereafter:

1. Media Release - EU and Namibia advance Partnership in Green Hydrogen and Sustainable Critical Raw Materials under Global Gateway (document 1);
2. MEDIA Coverage Report: EU Commissioners’ Visit to Namibia (document 2);
3. EEAS Intranet – Namibia Commissioners visit report (document 3);
4. Op ED issued by Commissioner Breton and Commissioner Urpilainen (document 4);
5. Revised Programme – European Commissioners Visit to Namibia 24-25 January 2023 (document 5);

6. Roundtable Partnership on Sustainable Critical Raw Materials Value Chains and Renewable Hydrogen (document 6);
7. Rent a drum programme (document 7);
8. Transport Plan (document 8);

Following your request, I am pleased to forward to you in attachment to this letter documents 1, 2, 3, and 4 in integral form, as well as documents 5, 6, 7 and 8 in redacted form.

Documents 5 to 8 have been redacted concerning the names and email addresses of EU staff members and external individuals involved in the organisation of the visit of the two Commissioners to Namibia on 24-25 January 2023, as disclosing this information would undermine the privacy and integrity of the individual as per Article 4(1)(b) of the Regulation.

Notably, Article 9(1)(b) of Regulation (EU) 2018/1725\(^2\) does not allow the transmission of these personal data, except if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest, where there is no reason to assume that the legitimate interests of the data subject might be prejudiced and where the recipient establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests.

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 the Regulation, access cannot be granted to the personal data contained in the requested documents.

Document 9 is an internal document addressed to Commissioner Urpilainen ahead of her visit to Namibia on 24-25 January 2023. It contains background information as well as an internal assessment on the situation in the country, political messages, lines to take in meetings and interactions with Namibian political counterparts. Disclosing such information to the general public would undermine the public interest as regards international relations as per Article 4(1)(a), third indent of the Regulation, by exposing the EU assessment and preliminary considerations towards an international partner with whom the EU has established a climate of trust and mutual cooperation.

Moreover, since document 9 contains information on internal strategies and indication on how the EU does or could position itself in respect to a variety of matters, its disclosure to the general public would also seriously undermine the institution decision-making process as per Article 4(3) first and second sub-paragraph of the Regulation.

Therefore, I regret to inform you that we are not in a position to disclose document 9 at this point in time, neither as a whole or partially, since it would undermine the protection of the public interest as regards international relations and the EU decision-making process, as per

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\(^2\) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC
Articles 4(1)(a) third indent of the Regulation and Article 4(3) first and second subparagraphs of the Regulation.

We have considered whether partial access could be granted to document 9. However, since the vast majority of the substantive parts of the document are covered by the invoked exceptions, granting a partial access, albeit marginal, to the remaining part would entail revealing information the protection of which is covered by the exceptions relied on, as explained above.\(^3\)

I wish to conclude by taking the opportunity to remind you that the documents 1 to 8 provided to you may be reused given that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the EEAS does not assume liability stemming from the reuse. In case of doubt on reuse, please do contact the EEAS for prior authorisation.

Should you wish this position to be reviewed, you may make a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation.

Yours sincerely,

\(\text{[e-signed]}\)

Nereo Penalver Garcia

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