Subject: Your application for access to documents – EASE 2023/4404

Dear Mr Civillini,

We refer to your letter dated 27 July 2023 registered on the same date under the above-mentioned reference number, in which you make a request for access to documents which contain the following information:

“All documents - including, but not limited to, minutes, transcripts, decisions, reports and/or any form of correspondence - concerning renewable/green hydrogen in Namibia since October 2022.

Please also include any documents (including speeches, summaries, minutes, transcripts, and correspondence) relating to the visit of EU Commissioner Thierry Breton to Namibia in January 2023 (…)”.

We have identified two documents that fall within the scope of your request: (i) a briefing concerning mission to Namibia and (ii) an exchange of emails with an external stakeholder.

Following the examination of the identified documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion from the originator, I regret to inform you that your application cannot be granted with reference to the second document identified, as its disclosure is prevented by exception to the right of access laid down in Article 4(1)(a) third indent concerning protection of international relations as well as Article 4(2) first indent concerning protection of commercial interests of a natural or legal person, including intellectual property. The disclosure could infringe the safeguard of the EU’s international interests, as well as influence the third party’s market position and growth potential. Furthermore, with reference to the briefing concerning mission to Namibia, I regret to inform you that your application cannot be fully granted, as its full disclosure is prevented by exception to the right of access laid down in Article 4(1)(a) third indent of the Regulation concerning protection of international relations. The full disclosure of the
briefing could infringe the safeguard of the EU’s international interests and undermine the mutual trust between the EU and Namibia.

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 data:

- the names INITIALS and contact information of Commission staff members not pertaining to the senior management;
- the names INITIALS and contact details of other natural persons;
- other information relating to identified or identifiable 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 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.

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 (1) 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)

(1) https://www.ec.europa.eu/transparency/documents-request
Enclosure: 1