



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate H - Common Implementation Centre
H.1 - Common Legal support service
Head of Unit

B1/RS/JCV/MB

By registered letter with acknowledgment of receipt

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Subject: Your application for public access to documents – GestDem Ref No 2021/6048

Dear Mrs. Indiano,

We refer to your letter dated 7 October in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001¹.

1. SCOPE OF YOUR REQUEST

Following your emails of clarification of 17 and 18 October, your request concerned the following:

For the period between 1 October 2017 to date:

- *a list of all lobby and industry meetings and/or calls held by the [Commissioner and the team assisting him/her], during which “hydrogen vehicles” and/or “electric vehicles” and/or “batteries” and/or “hydrogen” were discussed [including] date, individuals attending and organisational affiliation, as well as the issues discussed;*
- *all minutes and other reports of these meetings and/or calls;*
- *all documents prepared for the purpose of the meetings issued both in preparation and after the meetings took place.*
- *all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the [Commissioner and the team assisting him/her], and*

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).

any lobby group and/or industry representative discussing “hydrogen vehicles” and/or “electric vehicles ” and/or “batteries” and/or “hydrogen”.

We have identified 8 documents falling under the scope of your request (hereinafter the 'requested documents'), all relating to the activity of our former Cabinet and Commissioner, Mr. Carlos Moedas. These documents are the followings:

1. [RE Ares(2018)519473 - Meeting Request] Correspondence between Hydrogen Europe and former Cabinet dated 25 January and 12 February 2018.
2. [Hydrogen in Horizon Europe - Strategic Plan 2020-2030] Meeting request, dated 2 October 2018, from Horizon Europe to former Cabinet. Three documents were attached to this email:
 3. HE technology roadmaps - full pack - 20th September 2018 FV
 4. HE technology roadmaps - summary pack - 20th September 2018 FV
 5. HYDROGEN EUROPE - Strategic Plan (low res)
6. [RE: Samsung Battery policy] Correspondence between Samsung and former Cabinet from 19 March to 2 April 2019.
7. [MEET REQUEST - European Commission Canadian Technology Introduction RE Electric Vehicle Regenerative Acceleration ReGenX Generator Invention] Meeting request from Potential Difference to Commissioner Moedas dated 18 October 2018.
8. [Reply to MEET REQUEST_Director General] Reply to the above request from RTD Director General, Mr. Paquet on behalf of Commissioner Moedas dated 29 November 2018.

2. EXAMINATION UNDER REGULATION (EC) No 1049/2001

We are pleased to inform you that partial access can be granted to the requested documents. We have only expunged some personal data, which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, as explained below.

Protection of privacy and the integrity of the individual

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where disclosure would undermine the protection of "*privacy and the integrity of the individual*", in particular in accordance with European Union legislation regarding the protection of personal data².

The requested documents contain personal data such as names, surnames, functions, telephone numbers, electronic and professional addresses, handwritten signatures of

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 ('Regulation 2018/1725').

Commission's officials not having the function of senior management staff and of the third parties identified in the documents. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, we withheld personal data from the requested documents, except for the name and function of individuals forming part of senior management staff of the Commission, disclosed according to the current administrative practice.

3. DISCLAIMER AND RE-USE OF THE DOCUMENTS

You may reuse document No 8 free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents from No 1 to No 7 contain documents received by the Commission from third parties and they are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

4. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission

Secretary-General

Unit SG C.1 – Transparency, document management & access to documents

BERL 7/076

B-1049 Brussels

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

Yours sincerely,

Reinhard Schulte