



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate J - Common Support Centre  
**J.1 - Common Legal support service**  
Head of Unit

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*By registered letter with acknowledgment  
of receipt*

Rachel Tansey  
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**Subject: Your application for access to documents – GestDem Ref No 2019/2597**

Dear Ms Tansey,

We refer to your e-mail dated 30 April 2019 in which you submitted, within the framework of Regulation (EC) 1049/2001<sup>1</sup>, an application for access to documents.

**1. SCOPE OF YOUR REQUEST**

You requested access to the following documents:

*“the responses/submissions to the Public stakeholder consultation – Interim evaluation of Joint Undertakings operating under Horizon 2020”*

We have identified 7 documents falling under the scope of your request (hereinafter the 'requested documents'), namely:

- Responses to the public consultation on CleanSky2 Joint Undertaking
- Responses to the public consultation on Shift2Rail Joint Undertaking
- Responses to the public consultation on Single European Sky ATM Research (SESAR) Joint Undertaking
- Responses to the public consultation on Fuel Cells and Hydrogen (FCH2) Joint Undertaking

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<sup>1</sup> 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).

- Responses to the public consultation on Innovative Medicines Initiative (IMI2) Joint Undertaking
- Responses to the public consultation on Bio-Based Industries (BBI) Joint Undertaking
- Responses to the public consultation on Electronic Components and Systems for European Leadership (ECSEL) Joint Undertaking

## **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 redacted information which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, namely the personal data of respondents who have wished to remain anonymous.

### **Protection of privacy and the integrity of the individual**

The requested documents contain personal data such as names, surnames, electronic and professional addresses, etc. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725<sup>2</sup>.

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, personal data have been withheld from the requested document, except for the personal data of respondents who have consented to the publication of their contributions including their personal information.

Please note that these requested documents will be soon published on the relevant consultation [webpage](#) in line with the Commission's policy.

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<sup>2</sup> Regulation (EC) No 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')

### **Disclaimer**

Please note that these documents have been received by the Commission from the respondents as part of the Interim evaluation of Article 187 initiatives. You may reuse the documents requested 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 documents. Please note that the Commission does not assume liability stemming from the reuse. These documents do not reflect the position of the Commission and cannot be quoted as such.

### **3. 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**

**Transparency unit SG-B-4**

**BERL 5/282**

**B-1049 Brussels**

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Reinhard Schulte