



EUROPEAN COMMISSION

Executive Agency for Small and Medium-sized Enterprises (EASME)

Department B - LIFE and H2020 Energy, Environment & Resources
Head of Department

Brussels,
easme.b.2(2020)

Mr Nik Völker

ask+request-8603-1baed822@asktheeu.org

Subject: Your application for access to documents – Ref. Ares(2020)5350271

Dear Mr Völker,

We refer to your e-mail dated 02/10/2020 in which you make a request for access to documents, registered on 08/10/2020 under the above-mentioned reference number.

You are requesting access to “*documents which contain the following information:*”

1) relevant chapter or section of the H2020-MIREU Grant Agreement (ID 776811) containing the following phrases or similar/corresponding: "how to include Social License to Operate (SLO) into the mining and metallurgy related permitting and environmental review processes" or "how to include Public Acceptance into the mining and metallurgy related permitting and environmental review processes"; in case of impossible disclosure at least an only partially redacted copy of such information or, at least, the table of content of such document;

2) amendment to the above referred Grant Agreement as of the 1st of January 2020, fixing the relation between MIREU and "Comité Académico Técnico de Asesoramiento a Problemas Ambientales" – CATAPA, as well as later amendments (including corrections, substitutions, errata, etc.) that are associated to the same relation; in case of impossible disclosure at least a list of such documents;

3) DGPR or similar data protection guidelines that apply to personal data referred in Horizon 2020 project deliveries and in communication between beneficiaries and the EC and its responsible bodies, as well as audit guideline documents that refer to the same topic;

4) documents relevant for Horizon 2020 that define and regulate "public consultation" within research projects, as well as audit guideline documents that refer to the same topic;

5) results and reports of the MIREU mid-term review, performed July 2019”.

Your application falls within the scope of Regulation (EC) 1049/2001¹.

As regards the documentation requested at point 3) of your request, namely “*DGPR or similar data protection guidelines that apply to personal data referred in Horizon 2020 project deliveries and in communication between beneficiaries and the EC and its responsible bodies, as well as audit guideline documents that refer to the same topic*”, we understand that you are referring to documents which are publicly available at the following link:

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/legalnotice>

In addition, you can find information on the processing of personal data by the Commission and the Agency as well as by the beneficiaries under article 39 of the Annotated Grant Agreement (from page 285 to 288), which is publicly available at this link:

https://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amga/h2020-amga_en.pdf

Concerning the point 1) of your request, namely “*relevant chapter or section of the H2020-MIREU Grant Agreement (ID 776811) containing the following phrases or similar/corresponding: "how to include Social License to Operate (SLO) into the mining and metallurgy related permitting and environmental review processes" or "how to include Public Acceptance into the mining and metallurgy related permitting and environmental review processes"; in case of impossible disclosure at least an only partially redacted copy of such information or, at least, the table of content of such document*”, we have identified the following document containing equivalent phrases to the information you seek to obtain:

- Annex 1 - Description of Action (part A) (EN)

The document contains **commercially sensitive information** reflecting in detail the project methodology and intended intellectual property rights that are not in the public domain. The public disclosure of this information would seriously undermine its commercial interests, including intellectual property. Accordingly, the exception in Article 4(2), first indent, of Regulation No 1049/2001 applies and access to this document as well as to its table of content is therefore refused.

Concerning the point 2) of your request, namely “*amendment to the above referred Grant Agreement as of the 1st of January 2020, fixing the relation between MIREU and "Comité Académico Técnico de Asesoramiento a Problemas Ambientales" – CATAPA, as well as later amendments (including corrections, substitutions, errata, etc.) that are associated to the same relation; in case of impossible disclosure at least a list of such documents*”, we have identified the following document:

- Amendment - AMD - 776811 – 20 (EN)

The document contains **commercially sensitive information** reflecting technical and financial aspects of the project implementation that are not in the public domain.

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, Official Journal of the European Union L 145, 31.5.2001, p. 43–48.

Additionally, based also on the negative opinion of the Consortium as regards disclosure of this document, we consider that the public disclosure of this information would seriously undermine its commercial interests, including intellectual property. Accordingly, the exception in Article 4(2), first indent, of Regulation No 1049/2001 applies and access to the document is therefore refused.

Regarding the point 4) of your request, namely “*documents relevant for Horizon 2020 that define and regulate "public consultation" within research projects, as well as audit guideline documents that refer to the same topic*”, we regret to inform you that EASME does not hold such documents. As specified under Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application are held by EASME, we are not in a position to grant this part of your request.

Finally, as regards the point 5) of your request, namely “*results and reports of the MIREU mid-term review, performed July 2019*”, we have identified the following documents:

- Project Periodic Report – Period 1
- Deliverable 1.1 H - Requirement No. 1
- Deliverable 1.2 POPD - Requirement No. 2
- Deliverable 1.3 POPD - Requirement No. 3
- Deliverable 1.4 NEC - Requirement No. 4
- Deliverable 2.1 Directory of Regions and stakeholders relevant to network Regions and members of the CoMMER
- Deliverable 2.2 SWOT analysis of regions and valorisation of mining heritage
- Deliverable 3.1 Review of the applicable regulatory and policy conditions in the MIREU regions
- Deliverable 3.2 Assessment of skills requirements and availability in the MIREU regions
- Deliverable 4.1 Regional cultural identity and stakeholder mapping report
- Deliverable 5.1 Strategic analysis of EU regions and mining potential and opportunities within their RIS3
- Deliverable 7.1 Results of the Knowledge Mapping survey
- Deliverable 7.2 Preliminary version (prototype) of the MIREU Portal
- Deliverable 8.1 Dissemination and communication plan
- Deliverable 8.2 MIREU Project identity including a logo, and templates
- Deliverable 8.3 Newsletters
- Deliverable 8.4 Annual Report with regional case studies
- Deliverable 8.6 Report on all dissemination and communication activities and impacts
- Deliverable 9.3 Main conclusions of the First Clustering Workshop
- Deliverable 10.1 Project Handbook
- Deliverable 10.2 Kick-off Meeting Report
- Deliverable 10.3 Project progress meetings & internal reports

The deliverables:

- D2.1 Directory of Regions and stakeholders relevant to network Regions and members of the CoMMER;

- D2.2 SWOT analysis of regions and valorisation of mining heritage;
- D3.1 Review of the applicable regulatory and policy conditions in the MIREU regions;
- D3.2 Assessment of skills requirements and availability in the MIREU regions;
- D4.1 Regional cultural identity and stakeholder mapping report;
- D5.1 Strategic analysis of EU regions and mining potential and opportunities within their RIS3;
- D7.1 Results of the Knowledge Mapping survey;
- D7.2 Preliminary version (prototype) of the MIREU Portal; D8.2 MIREU Project identity including a logo, and templates;
- D8.3 Newsletters;
- D8.4 Annual Report with regional case studies;
- D8.6 Report on all dissemination and communication activities and impacts
- D9.3 Main conclusions of the First Clustering Workshop

are publicly available and you may consult them at the following link: <https://cordis.europa.eu/project/id/776811/results>

The other 8 remaining deliverables were submitted to the Agency under “**confidential dissemination level**”.

All these 8 deliverables as well as *the Project periodic Report – Period 1* contain technical sensitive commercial information of the beneficiary and relate to specific results of the project implementation.

Disclosure of the documents requested would undermine the protection of the commercial interests of the beneficiary, as putting specific project related outputs in the public domain could (i) prevent the proper protection of the intellectual property rights generated under the project; (ii) potentially be commercially detrimental for the beneficiary; and (iii) negatively impact its competitive position on the market. Therefore, the exception laid down in Article 4(2) first indent of Regulation 1049/2001 applies to these documents.

In accordance with Article 4(6) of Regulation 1049/2001, we have considered the possibility of granting partial access to the above-mentioned documents requested. However, for the reasons explained above, no meaningful partial access is possible without undermining the interests described above.

As a result, the exception laid down in Article 4(2), first indent of Regulation 1049/2001 applies unless there is an overriding public interest in the disclosure of the requested documents. We were not able to identify any public interest capable of outweighing the need to protect the commercial interests, including the intellectual property, identified in the present letter.

In addition, we would like to inform you that the published information on the selected project is available on the EASME website at the following link: <https://sc5.easme-web.eu/?p=776811>.

Moreover, specific information (e.g. budget, objectives, beneficiaries, public deliverables etc.) on the project is available in CORDIS and on the project specific webpage <https://cordis.europa.eu/project/id/776811>, and the project's website: <https://mireu.eu/>.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Director of EASME to review this position.

Such a confirmatory application should be addressed within **15 working days upon receipt of this letter** to the Director of EASME at the following address:

European Commission

EASME

To the attention of Luisa Prista, Director

COV2 12/134

B-1049 Brussels

or by email to: EASME-B2-RAW-MATERIALS@ec.europa.eu

Yours sincerely,

(e-signed)
Patrik Kolar
Head of Department B