

Mr Nik Völker  
MiningWatch Portugal

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*sent by email only*

Ref: 07-2020

**Subject: Reply to your access to documents request - Documents on "European Lithium Institute" projects and AISBL, eLi and eLi Plus**

Dear Mr Nik Völker,

We refer to your e-mail dated 21/12/2020 by which you made a request for access to documents, registered by us under reference number Ref.: 07/2020.

In your application, you requested access to the following documents:

- contractual documents or equivalent information on the initiatives "European Lithium Institute" and "European Lithium Institute PLUS", including any annexes, appendices, corrections or subcontracts, including any documents on the statutes, financing, and founding members of the corresponding AISBL(s), constituted under Belgian law.

We apologise for the delay in handling your access to document request. Indeed, in the past weeks, the EIT has received an important number of requests from you concerning EIT Raw Materials.

As laid down in Article 2(3) of Regulation (EC) No 1049/2001 regarding public access to documents ('the Regulation'), the right of access applies only to existing documents in possession of the institution. Furthermore, Article 4(2), first indent of the Regulation establishes that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property."

In this regard, please note that the only document held by the EIT which includes information concerning the European Lithium Institute is the 2020 grant application (KIC Business Plan) of the Knowledge and Innovation Community EIT Raw Materials.

According to the established jurisprudence of the General Court of the European Union, there is a general presumption of non-disclosure of a bid of a tenderer to another legal or natural person. This applies, per analogy, also to submitted grant applications. The reason for this is that a grant application contains information relating to methodologies, know-how, specific pricing or business strategies as to how the services will be provided or how the project will be implemented. This information is considered



commercially sensitive, thus falling under the exception in Article 4(2), first indent of Regulation (EC) No 1049/2001.

Therefore, the EIT is not in a position to grant access to the information contained in the 2020 grant application of EIT Raw Materials.

At the same time, in the spirit of Regulation No 1049/2001, and in particular, Article 6 (4) thereof, with the aim to assist you as much as possible with your request, we advise you to consult the website of EIT Raw Materials for public information on the activity in question (see <https://eitrawmaterials.eu/project/eli/>).

Furthermore, you may also contact EIT Raw Materials directly for further information. Please find below the contact details within EIT Raw Materials:

- Sven Kreigenfeld, Compliance Officer, EIT Raw Materials GmbH, via <https://eitrawmaterials.eu/about-us/contact-us/>

Please note that in accordance with Article 7(2) of Regulation No 1049/2001, you are entitled to make a confirmatory application requesting the EIT to review this position. Such a confirmatory application should be addressed, within 15 working days upon receipt of this response, by post or electronically to the Head of Services and Finance of the EIT at the following address:

Electronically: [accessdocument@eit.europa.eu](mailto:accessdocument@eit.europa.eu)

By post:  
Head of Services and Finance  
European Institute of Innovation & Technology  
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1/E Neuman Janos utca  
1117 Budapest/ Hungary

Yours sincerely,

*Tzvetan Zafirov*  
*Head of EIT Service & Finance Unit*