



Mr. Nik Völker
Email: ask+request-8908-160962ab@asktheeu.org
Sent by email only

17 February 2021

Ref: 02/2021

Subject: Access to documents request – CERA Standard for sustainable raw materials

Dear Mr. Nik Völker,

We refer to your email dated 6 January, our acknowledgement of receipt dated 8 January 2020 and our letter dated 27 January 2021 concerning the extension of the deadline.

In your application Ref. 02/2021, you request access to the following documents:

- contractual documents or equivalent information held by EIT on the support and collaboration with the below listed entities on the elaboration of the CERA Standard for the certification of raw materials sourcing and supply chain, including any information held on sub-certifications like the CERA Readiness Standard (CRS), the CERA Performance Standard (CPS), CERA Chain of Custody Standard (CCS), and CERA Final Product Standard (CFS), and also any annexes, appendices, corrections or subcontracts to information on funding or collaboration:
- University of Leoben
- University of Leiden
- ISCC System GmbH
- LTU Business AB
- DMT GmbH & Co. KG
- TÜV NORD AG.

The EIT has carefully examined your request in line with Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents ('the Regulation'), as applicable to the EIT pursuant to Article 13 of Regulation 294/2008 of the European Parliament and of the Council establishing the European Institute of Innovation and Technology, as amended by Regulation 1292/2013 of the European Parliament and of the Council ('EIT Regulation').

Based on your description, the EIT identified the following documents:

- a. **Specific Grant Agreement with EIT Raw Materials 2017 and its annexes,**
- b. **Specific Grant Agreement with EIT Raw Materials 2018 and its annexes,**
- c. **Specific Grant Agreement with EIT Raw Materials 2019 and its annexes,**
- d. **Specific Grant Agreement with EIT Raw Materials 2020 and its annexes.**

These Specific Grant Agreements include the activities concerning CERA.

With regard to these documents, the EIT established that access to the main texts of the Specific Grant Agreements and Annexes 3,4,5 is granted, except Annex 1 (Business Plan) and Annex 2 (Estimated

Budget), and without personal data (signatures). The Business Plans and Estimated Budgets are not disclosed due to commercial interests.

Article 4(2), first indent of the Regulation establishes that “the 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.”

The information contained in the Business Plans and the Estimated Budgets mentioned above are considered commercially sensitive (i.e. information regarding projects and activities resulting in products, services, IP rights and investments, which are part of the business strategy of the KIC), thus falling under the exception in Article 4(2), first indent of Regulation (EC) No 1049/2001. Disclosure of such confidential information would result in serious negative consequences relating to the KIC’s business interests, including its KIC Partners’ business interests.

Therefore, the EIT is not in a position to grant access to Annex 1 and 2 of the Specific Grant Agreements.

As regards your request concerning information on the CERA standards, we kindly inform you that relevant information is available at <https://www.cera4in1.org>.

Please note that in line with Article 7(2) of the Regulation, you may, within 15 working days of receiving this reply, make a confirmatory application asking the EIT to reconsider its position. Such a confirmatory application should be addressed by post or electronically to the Head of Services and Finance Unit at the following address:

Electronically: accessdocument@eit.europa.eu

By post: Head of Services and Finance Unit
European Institute of Innovation and Technologies
Infopark
1/E Neumann Janos utca
1117 Budapest, Hungary

Please find attached the documents to which access is granted.

Yours sincerely,

Tzvetan Zafirov
Head of EIT Service & Finance Unit