



Mr. Nik Völker
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Sent by email only

Ref: 4/2021

Subject: Access to documents request – Gateway-1 and Gateway-2 interactive maps of mining projects

Dear Mr. Nik Völker,

We refer to your email dated 12 January, our acknowledgement of receipt dated 22 January 2021 and our email dated 2 February 2021 concerning the extension of the deadline.

In your application Ref. 04/2021, you request access to the following documents:

- informations elaborated within or defining the scope of the EIT financed projects Gateway-1 (or "GATEWAY"), Gateway-2, and Mineral Resource Assessment Platform ("MAP"); especially lists of project deliverables, the projects Grant Agreements, final reports, and the main "interactive map" deliverables of each project (e.g. MapWizard including gathered information, EIT Raw Materials Gateway, Raw Materials Activities, GATEWAYcommodities, GATEWAYprojects, etc.). In case the interactive map tools are not accessible, a machine-readable standard format representation of their contents (e.g. tabular or markup).

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').

We came to the conclusion that the projects referred to in your request relate to the Gateway and Gateway2 KIC Added-value Activities ('KAVAs') which concern activities carried out between 2016 and 2020. The following documents held by the EIT were identified in connection with your request:

- Specific Grant Agreements with EIT Raw Materials 2016, 2017, 2018, 2019, 2020 including their Annexes;
- Progress reports concerning the Gateway and Gateway2 KAVA.

We are herewith providing access to the 2016 Specific Grant Agreement between the EIT and EIT Raw Materials and its Annexes 3, 4 and 5 that you will find enclosed.

The Specific Grant Agreements 2017, 2018, 2019, 2020 and their Annexes 3, 4 and 5 were already shared with you in response to your request Ref. 2/2021.

As explained in that context, Annexes 1 (Business Plans) and 2 (Estimated Budgets) to the Specific Grant Agreements cannot not be disclosed as it would undermine the protection of commercial interests of EIT Raw Materials and its KIC Partners.



Indeed, the Business Plans and the Estimated Budgets are commercially sensitive documents, as they contain information regarding projects and activities resulting in commercial products and services, including information on methodologies, IP rights, investments and pricing strategies, which are part of the business strategy of the KIC. Disclosure of such confidential information would result in serious negative consequences to the KIC's business interests, including its KIC Partners' business interests. Therefore, these documents fall under the exception established in Annex 4(2), first indent of Regulation No 1049/2001.

The same applies to the progress reports concerning the Gateway and Gateway2 KAVAs. These activities concern the provision of services to support sustainable business development in Latin American and African regions, including business collaborations with KIC Partners. The progress reports contain information on know-how and business strategies which are commercially sensitive. The disclosure of this information would seriously undermine the business interests of EIT Raw Materials and its KIC Partners participating in these activities. Therefore, these documents also fall under the exception provided in Article 4(2), first indent of Regulation No 1049/2001.

In your request, you also asked for a list of project deliverables. In this regard, we would like to inform you that the EIT does not hold an existing document containing this list. Such a list could only be created with a substantial investment from the relevant EIT database, which would go beyond the scope of Regulation No 1049/2001.

Finally, as regards the interactive maps referred to in your request, we regret to inform you that the EIT is not in the possession of such documents.

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 are kindly advising you to consult the publicly available information concerning the Gateway project: <https://eitrawmaterials.eu/project/gateway/> and <http://projects.gtk.fi/gateway/>.

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 Innovation Communities Unit at the following address:

Electronically: accessdocument@eit.europa.eu
By post: Head of Innovation Communities Unit
European Institute of Innovation and Technologies
Infopark
1/E Neumann Janos utca
1117 Budapest, Hungary

Yours sincerely,

Dávid Tas

Acting Head of EIT Innovation Communities Unit