



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels

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Advance copy by email :

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Dear Sir,

Subject: Your application for access to documents – GESTDEM 2021/0588

We refer to your e-mail dated 5 February 2021 in which you make a request for access to documents, registered on 5 February 2021 under the above mentioned reference number.

You request access to “a list of all lobby and industry meetings and/or calls held by the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, including any Cabinet Members and/or officials, during which “deep-sea mining” and/or “seabed mining” and/or “marine minerals” were discussed, for the period. In concrete you requested:

- all minutes and other reports of these meetings and/or calls;
- all documents prepared for the purpose of the meetings and/or exchanged during the course of the meetings.
- all correspondence, including attachments (i.e. any emails, mail correspondence or telephone call notes) between the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, including any Cabinet Members and/or officials, and any lobby group and/or industry representative discussing “deep-sea mining” and/or “seabed mining” and/or “marine minerals”;

The following documents, which are listed in the enclosed document register, fall within the scope of your application:

1. Meeting with Royal IHC 16_01_2019 - Flash report, Energy Intensive Industries and Raw Materials Unit DG GROW, 17/01/2020, reference Ares (2020) 263845 (hereafter 'document 1').
2. Raw Materials in international waters - requesting a meeting, DEME Group, CAB-BRETON, 22/10/2020, reference Ares (2020) 6029576 (hereafter 'document 2').
3. Raw Materials in international waters Ares (2020) 6029576, CAB BRETON ARCHIVES, DEME Group, 28/10/2020, reference Ares (2020) 6029576 (hereafter 'document 3').
4. Raw Materials in International waters - Meeting report 25 November, Energy Intensive Industries and Raw Materials Unit DG GROW, 08/03/2021, reference Ares (2020) 1701406 (hereafter 'document 4').
5. GSR | EU and DSM, DEME Group, Energy Intensive Industries and Raw Materials Unit DG GROW, 25/11/2020, reference Ares (2021) 1686828 (hereafter 'document 5'), which includes the following annexes:

5.1 GSR _ EU and DSM - attachment, DEME Group, Energy Intensive Industries and Raw Materials Unit DG GROW, 25/11/2020, (hereafter 'document 5.1');
6. RE_ GSR _ EU and DSM, Energy Intensive Industries and Raw Materials Unit DG GROW, DEME Group, 25/11/2020, reference Ares (2020) 1686602 (hereafter 'document 6').

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents 5 and 5.1 may be partially disclosed. Some parts of the documents 5 and 5.1 have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(2) of this Regulation.

The redacted parts of the documents contain commercially sensitive business information of the company that submitted it.

Disclosure of these parts would undermine the protection of the company's commercial interests.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

With regard to all documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;

- other information relating to an identified or identifiable natural person, as email addresses.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. 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.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Documents 1 and 4 were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In accordance with Article 7(2) of Regulation (EC) No 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
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Kerstin Jorna
Director-General

Annexes : 06