



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 CLIMATE ACTION
 The Director-General

Brussels
 CLIMA

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Advance copy by email:
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Subject: Your application for access to documents EASE 2023/3495

Dear Ms Roxburgh,

We refer to your requests for access to European Commission documents EASE 2023/3495 registered on 20 June 2023.

You request access to:

“All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts, recordings and minutes/notes) relating to the meeting listed below:

1. Between Thyssenkrupp and Kurt Vandenberghe, Director-General of Climate Action (CLIMA) on the 31st March 2023“

Your application concerns the following documents:

Title	Registration	Reference
1. Short minutes_DG Vandenberghe with Thyssenkrupp Steel Europe_31.03.2023_Redacted	05/04/2023	Ares(2023)2473259
2. Briefing_DG Vandenberghe and ThyssenKrupp_31.03.2023_Redacted	10/04/2023	Ares(2023)2540231
3. Follow-up non-paper on auction design - competitive bidding for H2 production_Redacted	12/04/2023	Ares(2023)2585819
4. 20230411_Hydrogen Bank non paper make it work for the climate	12/04/2023	Ares(2023)2585819
5. Assessment HBI Make vs.	12/04/2023	Ares(2023)2585819

With regard to documents 1, 2, 3 and 5 mentioned 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/handwritten signatures and contact details of other natural persons.

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 express any particular interest to have access to these personal data nor do you 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.

Documents 1 and 2 were drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Climate Action. They solely reflect the service's interpretation of the interventions made and do not set out any official position of the third parties to which the document refers, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

As regards document 2, following its examination under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that access cannot be granted as disclosure is prevented by Article 4(2) first indent of Regulation (EC) No 1049/2001. Point 1 of the defensive section in the briefing contains information from the Innovation Fund (IF) evaluation report of a previous application. The information in these reports is strictly confidential as they contain commercially sensitive business information, linked to the projects proposed in the specific application.

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.

Since documents 3, 4 and 5 originate from third parties, the originators of the documents have been consulted. Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third parties, I regret to inform you that document 5 cannot be fully disclosed, as disclosure is prevented by exception to the right of access laid down in

Article 4(2), first indent of this Regulation. The author of document 5 “Assessment HBI Make vs. Import_31.03.2023_Redacted” has objected to the full disclosure of the document that it sent to the Commission, since it contains commercially sensitive business information.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal ⁽¹⁾ account (available only for initial requests submitted via the portal account),

or by mail:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Kurt Vandenberghe
Director General

⁽¹⁾ <https://www.ec.europa.eu/transparency/documents-request>