



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR INTERNATIONAL PARTNERSHIPS

Latin America and The Caribbean; Relations with all Overseas Countries and Territories  
**The Director**

Brussels  
INTPA B

**Subject: Your application for access to documents – EASE 2024/6626**

Dear Mr Naughton,

We refer to your request for access to European Commission documents registered on 28/11/2024 under the above-mentioned reference number.

Your request refers to the following documents:

1) a list all of meetings since 1st December 2021 between officials from DG INTPA and representatives from **Grao-ParaMaranhao (GPM)**; 2) all minutes of the meetings requested in 1) above; 3) all correspondence (including but not limited to, email, letters, SMS, and WhatsApp etc) since 1 December 2021 between representatives of DG INTPA and **Grao-ParaMaranhao (GPM)** and 4) any briefings prepared for officials from DG INTPA for meetings since 1st December 2021 with representatives from Grao-ParaMaranhao (GPM).

We consider your request to cover documents held up to the date of your initial application, i.e. 28/11/2024. We identified 8 documents falling under the scope of your request:

1. Grao-Para Maranhao presentation about the project
2. Draft reply letter to Mr Klaus Schenck
3. Letter from Rettet den Regenwald and Justica nos Trilhos
4. Mission report Maranhao
5. Minutes of visit of CSO Maranhao state - questions regarding port and railway project Grao Para Maranhao GPM
6. Participants of the meeting on 22.11.2024 (visit of CSO Maranhao state - questions regarding port and railway project Grao Para Maranhao GPM)
7. GPM reply to environmentalist letter of concern

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have concluded that **documents n° 3, 4, 5, and 6** may be partially disclosed. Some parts of the **documents n° 3, 4, 5, and 6** have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(2) first indent, and Art. 4(1)(b) of this Regulation.

**1. PRIVACY AND THE INTEGRITY OF THE INDIVIDUAL**

A complete disclosure of the **documents n° 2, 3, 4, 5, 6, and 7** 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.

As for **document n° 6** (i.e. List of participants), to which the exception relating to the protection of privacy and integrity of the individual applies as well, the document had to be heavily redacted, to the point that releasing the remaining parts of the document would be pointless as those parts would be deprived of any substantive content. Therefore, no meaningful access to this document could be provided.

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document must be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons regarding the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC<sup>1 (1)</sup> ('Data Protection Regulation').

Article 9.1(b) of the Data Protection Regulation does not allow the transmission of personal data, except if you prove that there is an overriding interest in public disclosure. 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.

## **2. COMMERCIAL INTERESTS**

Article 4(2) first indent of Regulation (EC) No 1049/2001 provides 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 (...) unless there is an overriding public interest in disclosure'. The **documents n° 1** contain commercially sensitive business information. The disclosure of those parts can pose a real and non-hypothetical risk that would undermine the protection of the commercial interests of the companies involved by disclosing sensitive commercial information.

## **3. DECISION-MAKING PROCESS**

Article 4(3), first subparagraph Regulation (EC) No 1049/2001 provides that 'access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where a decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure'.

**Document n° 2 and 7** contains information drawn up for internal use, which relates to a matter

<sup>(1)</sup> Official Journal L 205 of 21.11.2018, p. 39

where a decision has not yet been taken by the institution. The disclosure of this information poses a real risk of undermining the institution's decision-making process.

Consequently, we conclude that, pursuant to Article 4(3) first subparagraph of Regulation (EC) No 1049/2001, access cannot be granted to the parts of the requested documents that contain information for internal use relating to an ongoing decision-making process.

#### **4. OVERRIDING PUBLIC INTEREST**

The exceptions laid down in Article 4(2) and (3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure. In your application, you do not put forward any reasoning pointing to an overriding public interest in disclosing the documents requested. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest. We conclude, therefore, that the protection of commercial interests and of the decision making process prevail.

#### **5. MEANS OF REDRESS**

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 <sup>(2)</sup> account** (available only for initial requests submitted via the portal account),

(<sup>2</sup>) <https://www.ec.europa.eu/transparency/documents-request>

- **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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*Electronically signed*

Félix Fernández-Shaw

