



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

D1 Planning, Knowledge and Compliance
Head of Unit

Brussels, 22/07/2025
REA D1.003

Chenchen Zhou
Kanunnik de Deckerstraat 1-4
Mechelen 2800
Belgium

Sent by registered email to:
[ask+request-16049-
bd4ff6bb@asktheu.org](mailto:ask+request-16049-bd4ff6bb@asktheu.org)

Subject: Reply to your request for access to documents [Ares(2025)5341131]

Dear Mrs Chenchen,

We refer to your request for access to documents submitted to the European Research Executive Agency (REA) on 1/7/2025. After you responded to our email¹ and submitted your postal address on 2/7/2025, we registered your request on 3/7/2025². On the same day we informed you³ that in accordance with Regulation (EC) No 1049/2001 regarding public access to documents, your application would be handled within 15 working days and that the time limit would expire on 25/07/2025.

A. SCOPE OF YOUR REQUEST

In your application, you requested:

“[...] the following documents from the most recent MSCA Postdoctoral Fellowships call: The five highest-scoring MSCA-PF Part B1 and B2 proposals selected for funding in 2025, under the Information Science and Engineering scientific panel. Please provide the redacted versions of both Part B1 and B2 of each proposal. If the number of available documents is fewer than five, I would appreciate access to all those that meet the criteria. My objective is to study outstanding examples in the Information Science and Engineering domain and aid my own preparation for future MSCA applications.”

¹ Ares(2025)5256463

² Ares(2025)5341131

³ Ares(2025)5341761

This request is handled within the scope of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents⁴.

B. DISCLOSURE OF THE REQUESTED DOCUMENTS

We examined the documents requested under the provisions of Regulation 1049/2001 regarding public access to documents and we have identified ten documents corresponding to the best scoring proposals selected for funding in 2025, under the Information Science and Engineering scientific panel under the two types of MSCA Postdoctoral Fellowships call [[MSCA Postdoctoral Fellowships 2024 \(HORIZON-MSCA-2024-PF-01\)](#)] of the HORIZON EUROPE programme:

1) the five highest scoring proposals under the HORIZON-TMA-MSCA-PF-GF HORIZON TMA MSCA Postdoctoral Fellowships - European Fellowships (EF) action. These fellowships are open to researchers moving within Europe or coming to Europe from another part of the world to pursue their research career. They fellowships take place in an EU Member State or Horizon Europe Associated Country and can last between 1 and 2 years; and

2) the five highest scoring proposals under the HORIZON-TMA-MSCA-PF-GF HORIZON TMA MSCA Postdoctoral Fellowships - Global Fellowships (GF) action. These fellowships fund the mobility of researchers outside Europe. The fellowship lasts between 2 to 3 years, of which the first 1 to 2 years will be spent in a non-associated Third Country, followed by a mandatory return phase of 1 year to an organisation based in an EU Member State or Horizon Europe Associated Country.

Concerning the potential disclosure to the public of the requested documents, having examined your request under the provisions of Regulation 1049/2001, we regret to inform you that access cannot be granted. Disclosure to the public is prevented by the application of a general presumption of non-disclosure of grant applications established by the European Court of Justice⁵ based on the need to protect, firstly, the privacy and the integrity of the individual (Article 4(1)(b) of the Regulation) and, secondly, the commercial interests of a natural or legal person, including intellectual property (Article 4(2), first indent(4)). This presumption of non-disclosure is applicable even after the finalisation of the grant award procedure.

The ranking list of the proposals is also not publicly available, for the reasons explained below. However, we can provide an anonymised list of the five highest-scoring MSCA-PF proposals under the 2 types of fellowships (5 for EF and 5 for GF) selected for funding in 2025, under

⁴ Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.05.2001, page 43, hereinafter “Regulation 1049/2001”.

⁵ See Judgments of 26 May 2016 in Case T-110/15, International Management Group v European Commission, EU:T:2016:322, paragraph 30, of 13 November 2015 in Joined Cases T-424/14 and T-425/14, ClientEarth v European Commission, EU:T:2015:848, paragraph 65. The general presumption of non-disclosure applicable to bids submitted by a tenderer also applies, by analogy, to grant applications.

the Information Science and Engineering. They are included in the ANNEX I, attached to this letter, without the acronyms of the projects being revealed.

Please note that you may consult and find detailed information on all the funded projects under the programme of your interests in the [CORDIS portal, the European Commission website offering access to the EU Research and Development programs.](#)

The Regulation on access to documents provides exceptions to the right of access, based on which we cannot grant you access to these proposals, as mentioned above. Specifically, concerning the exceptions to the right of access laid down in Articles 4(1) (b) and 4(2), first indent of Regulation 1049/2001, that are applicable in this case (namely, the protection of privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data, and the protection of commercial interests of a natural or legal person, including intellectual property), which do not allow the disclosure of the identified documents, we recall the following:

Protection of privacy and integrity of the individual

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

The applicable legislation in this field is Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to 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) 45/2001 and Decision No 1247/2002/EC⁶ (hereinafter “Regulation 2018/1725”).

The documents identified contain personal data of individuals such as names, surnames, curricula vitae and other personal data of staff of the consortium/participants or researchers, including supervisors, involved in the proposal that are not in the public domain. Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data ‘*means any information relating to an identified or identifiable natural person [...]*’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data⁷.

In its judgment in case C-28/08/P (Bavarian Lager)⁸, the Court of Justice ruled that when a request is made for access to documents containing personal data, the data protection Regulation becomes fully applicable. Pursuant Article 9 (1) (b) of Regulation 2018/1725 ‘*personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if [t]he recipient establishes that it is necessary to have the data*

⁶ Official Journal L 205 of 21.11.2018, p. 39

⁷ Judgment of the Court of Justice of the European Union of 20 December 2017 in case C-434/16.

⁸ Judgment of 29 June 2010 in case C-28/08/P, European Commission v The Bavarian Lager Co. Ltd, EU:C2010:378, paragraph 63.

transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'. Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1) (b) of Regulation 2018/1725, REA must examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that REA has to examine whether there is a reason to assume that the data subject's legitimate interest might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose.

We consider that, in your request, you do not put forward any arguments to establish the necessity to have the data transmitted. Therefore, REA does not have to examine whether there is a reason to assume that the data subject's legitimate interest might be prejudiced. Nevertheless, please note that there are no reasons to assume that the legitimate interest of concerned individuals would not be prejudiced by disclosing their personal data. In the present case, disclosure of the personal data of persons involved in the documents in question would harm their privacy.

Consequently, we conclude that, pursuant to Article 4(1) (b) of Regulation No 1049/2001, access cannot be granted to the personal data contained in the documents requested.

The exception laid down in Article 4(1) (b) of Regulation No 1049/2001, the protection of privacy and the integrity of the individual is an absolute exception that does not have to be balanced against the public interest in disclosure.

Protection of commercial interests of natural and legal persons

The identified documents contain sensitive commercial information from the entities involved in the project proposals, which is not publicly available. These documents specifically reference the intellectual property of the project researchers (including background, existing, and/or anticipated foreground intellectual property), know-how, methodologies, working modalities, strategies for project implementation, grant application names, acronyms, as well as financial data of the applicants who submitted the proposals. Additionally, revealing the ranking positions of individual proposals could disclose their strengths and weaknesses, thereby impacting the commercial reputation and interests of the participating entities.

The public disclosure of this information would seriously undermine the researchers' commercial interests as it might give the competitors of the grant applicant an unfair advantage, as the latter would be able to use this sensitive commercial information in their favour. They

could, namely, anticipate the grant applicant's strategies and weaknesses, when competing in calls for proposals.

Accordingly, the exception in Article 4(2), first indent of Regulation 1049/2001 has to be invoked and access to the concerned documents, or part of them, has to be refused.

Such exception applies, unless there is an overriding public interest in disclosure of the requested documents. Such an interest must, first, be a public interest and secondly, outweigh the harm caused by disclosure. In your application, you did not bring forward any argument to justify the existence of an overriding public interest in releasing the requested documents. In this instance, we have found no elements that could indicate the existence of such an overriding public interest in the sense the Regulation 1049/2001 that would outweigh the need to protect the commercial interests identified in this reply.

Therefore, the exception laid down in Article 4(2), first indent of Regulation 1049/2001 applies to the above-mentioned documents, that cannot be disclosed.

Therefore, we consider that access to the requested documents must be refused to you pursuant to Article 4(3), first subparagraph, of Regulation No 1049/2001.

In accordance with Article 7(2) of Regulation No 1049/2001, you are entitled to make a confirmatory application requesting the Director of REA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to Mr Marc TACHELET, Director of REA, at the following address:

European Research Executive Agency
North Light Building
Boulevard Simon Bolivar 34,
1000 Brussels

Or by e-mail to: marc.tachelet@ec.europa.eu

Yours sincerely,

Barbara KAMPIS

Enclosures: ANNEX I