

Mr. Nik Völker
MiningWatch Portugal
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Sent by email only

Ref: 5/2021

Subject: Access to documents request – WinSmart RM project

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. 05/2021, you request access to the following documents:

- informations elaborated within or defining the scope of the EIT financed project WinSmart RM; especially lists of project deliverables, the projects Grant Agreement, final reports, and workshop reports.

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 would kindly like to inform you that the EIT does not hold documents specifically related to WinSmart RM as an individual project. Under the 2019 Specific Grant Agreement between the EIT and EIT Raw Materials,¹ which was partially disclosed in response to your request Ref. 2/2021, WinSmart RM is a work package of the InfoCenter KIC Added-value Activity ('KAVA'). The definition of the activity, the objectives /

¹ As explained in that context, as well as in our response to your request Ref 4/2021, Annexes 1 (Business Plans) and 2 (Estimated Budgets) 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 Article 4(2), first indent of Regulation No 1049/2001.



deliverables, as well as the progress reports concern the entire KAVA and cannot be linked to individual work packages.² The EIT does not hold workshop reports concerning the WinSmart RM work package.

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

² Furthermore, as indicated in our response to your request Ref. 4/2021, the EIT does not hold an existing document containing a list of deliverables. 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.