

We recall that, in accordance with Article 339 of the Treaty on the Functioning of the European Union (TFEU), the members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

We recall that, in accordance with the Staff Regulations ([Regulation No 31 \(EEC\), 11 \(EAEC\)](#), Article 17), all European Commission staff are bound by a confidentiality obligation under which they shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public. The staff members shall continue to be bound by this obligation after leaving the service.

As a result, European Commission staff will not disclose, publish or otherwise make available to any third party, except to the Commission's control bodies and to judicial authorities or courts, information received without prior written consent, except in accordance with the rules on public access to documents.

However, all documents in the possession of the Commission, including those submitted via the Investment Hub, may be subject to a request for access to documents under [Regulation \(EC\) No 1049/2001](#) regarding public access to European Parliament, Council and Commission documents.

In accordance with the European Commission rules and practice, this Regulation applies to registered documents drawn up or received by the European Commission that contain important information that is not short-lived and/or may involve action or follow-up by the European Commission or one of its departments, regardless of their format (written on paper or stored in electronic form or as a sound, visual or audiovisual recording, databases).

To ensure that both transparency and confidentiality are upheld, the Commission undertakes a rigorous process of evaluation for each access request. This includes a detailed assessment on a case-by-case basis to determine the applicability of specific exceptions outlined in Article 4 of the Regulation, which allows for a detailed examination of the documents. In such a request for access procedure, the Commission protects the commercial interests of companies. Notably, under article 4(2) of Regulation (EC) No 1049/2001, the Commission is under obligation to 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 term 'commercial interests' includes notably patents, business relations, manufacturing secrets, expertise, commercial strategies, market shares, information relating to methodologies, know-how, expertise, specific pricing, breakdown of budgets or timetables, involvement of experts or partners and their commercial relations, business strategies, detailed description of the proposed actions in case of grant applications or any other information carrying a commercial value.

The EU makes its assessment of the interests protected, including commercial interests, in the documents submitted, having in mind the interest of the third party. The third party is also consulted, in case of doubt.

The Commission's decision on a request for access to documents, may be challenged before the EU General Court.

In addition, all documents in the possession of the Commission, including those submitted via the Investment Hub, fall under the rights of access of the Commission's control instances, such as the European Court of Auditors (ECA), the European Public Prosecutor Office (EPPO) or the European Anti-fraud Office (OLAF), which are also bound by their own confidentiality obligations.

In accordance with data protection rules applicable to the Commission, in particular under Article 4 of Regulation (EU) 2018/1725, Commission staff have an obligation to ensure the confidentiality of all personal data they are processing, as well as to ensure appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, by using appropriate technical or organisational measures. Personal data will be processed in accordance with the applicable data protection rules and the Privacy Statement available on the Global Gateway Investment Hub Platform.

In practice, applications and documents disclosed by a third-party to the European Commission in the context of the Global Gateway Investment Hub will bear a sensitive non-classified (SNC) marking as per Commission rules. "SNC information" means information that, if leaked, could compromise the interests or reputation of the European institutions, third parties, such as businesses and companies, or of private individuals. The sharing of SNC information by the Commission takes place in secure protected IT environments.

The European Commission applies a separate set of rules for protecting classified information produced or handled by the Commission from being compromised, disclosed without authorisation or from spying. The Commission decides on whether or not information should be classified and marked as "EU confidential".

The Commission ensures safe storage of both SNC information and classified information, in accordance with applicable Commission security rules. These provisions are in line with the rules on public access to documents.