



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS  
The Director-General

Brussels, 03 December 2021  
JUST.A.1/LV/cw 8268732  
A/Ares(2021)6877680  
D/Ares(2021)6930576 (HR)

Mr Arun Dohle  
Against Child Trafficking  
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NL-1017EG Amsterdam

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**Subject: Your application for access to documents – GESTDEM 2021/6659**

Dear Mr Dohle,

We refer to your request for access to documents dated and registered on 09 November 2021, under the above mentioned reference number.

You request access to: *“All documents, mails, minutes, mission reports, related to the Parentage/ Surrogacy Project of the Hague Conference on Private International Law.”*

The following documents fall within the scope of your application:

1. *Outcome of the 8th meeting of the Experts’ Group on the Parentage / Surrogacy Project at the Hague Conference on Private International Law, 15-17 February, of 18 February 2021, prepared by the Civil Justice Unit of Directorate-General for Justice and Consumers, reference Ares(2021)1342248;*
2. E-mail correspondence between the Permanent Bureau of the Hague Conference on Private International Law and the European Commission concerning the work of the Experts’ Group on the Parentage / Surrogacy Project, in particular correspondence between December 2020 and this date;
3. Draft agendas, aides-memoires, background notes, discussion reports, reports and questionnaires and their summaries related to the Parentage/ Surrogacy Project and sent to the European Commission by the Permanent Bureau;
4. Documents prepared by Permanent Bureau outlining the draft Convention on legal parentage;
5. Draft outline of final report of the Expert Group on the Parentage / Surrogacy Project prepared by Permanent Bureau.

This request thus includes both documents originating from the European Commission and those originating from the Hague Conference on Private International Law.

### *1. Documents originating from a third party*

Since documents Nos 2 to 5 originate from a third party, the originator of the documents, the Permanent Bureau of the Hague Conference on Private International Law, has been consulted.

The author of the documents, the Hague Conference on Private International Law, has objected to disclosure of the documents and has motivated its position as follows:

*The documents have been drawn up in the context of the Experts' Group on the Parentage / Surrogacy. This Experts' Group has been mandated by the Council on General Affairs and Policy (CGAP) of the HCCH to explore the feasibility of advancing work in the area of legal parentage in general, as well as legal parentage established as a result of an international surrogacy arrangement more specifically. To pursue its mandate, the Experts' Group has met several times over the past six years. To support the work of the Experts' Group, the Permanent Bureau drafted the above-mentioned documents. The purpose of these documents was to assist the Experts' Group in preparing for their discussions and to enable them to advance their work. Reports of each of the meetings are public and have been published on the website of the HCCH. The mandate of the Experts' Group extends to March 2023, at which time the Group is requested to publish its final Report.*

*Considering the original purpose of the afore-mentioned documents and the fact that the work of the Experts' Group is ongoing, disclosure of the documents may impact the discussions of the Group and its ability to reach conclusions. Furthermore, as the final report of the Experts' Group may not necessarily reflect the content of these documents, any inferences drawn from their disclosure would be premature and may create false expectations as to the ultimate findings of the Experts' Group.*

Following an examination of the documents Nos 2 to 5 under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, we regret to inform you that your application cannot be granted, as the disclosure is prevented by exception to the right of access laid down in the third subparagraph of Article 4(1)(a) of this Regulation. The documents Nos 2 to 5 thus should **not be disclosed**.

### *2. Documents originating from the Commission*

The request further concerns document No 1 that was drawn up by the Commission services. The Document No 1 reflects the discussion at and the outcomes of the 8<sup>th</sup> meeting of the Experts' Group on the Parentage / Surrogacy Project, to which the Commission was invited as a participant.

Since the document concerns discussion at and outcomes of an Expert Group meeting organised by the Hague Conference on Private International Law, the Commission also consulted the Permanent Bureau as to the possible disclosure of the document No 1. Similarly to the other documents, the Permanent Bureau asked for this document to remain confidential.

Given the request of the Permanent Bureau of the Hague Conference on Private International Law not to disclose the document, the Commission considers that the possible disclosure could negatively affect the cooperation between the EU and this international organisation and its Member countries. The premature disclosure could further undermine the preparatory work for future international negotiations, for which purpose the Experts' Group has been convened.

We thus considered that the disclosure of the document No 1 would undermine the protection of international relations. Therefore, in compliance with Article 4, paragraph 1 of the Regulation (EC) No 1049/2001, the Commission decided that this document should **not be disclosed**. Finally, we have considered whether partial access could be granted to the document requested and from the reasons given above, we decided not to grant such an access.

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

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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,

*e-signed*

Ana GALLEGO