



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.D.3/

Subject: Your application for access to documents – GESTDEM 2021/3942

Dear Mr Breyer,

We refer to your e-mail of 16/06/2021 in which you make a request for access to documents, registered on 16/06/2021.

You request access to *“the full text of all Codes of Conduct and "Crisis Protocols" (e.g. "EU Crisis Protocol") which Internet service providers have agreed on/to”*.

We inform you that your request has been split and will be handled by different services of the Commission. The part of your request for which DG HOME is responsible has been registered under reference Gestdem 2021/3942.

Your application concerns the following documents:

- the EU Crisis Protocol, Ares(2021)5020909
- the EU Crisis Protocol Playbook, Ares(2021)5028747

Since one of the document originates from a third party, the originator of the document has been consulted.

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I have come to the conclusion that the documents may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(1)(a), first indent (protection of public security) of this Regulation.

The redacted marks of the documents contain details on the operational procedures related to the activation, use and conclusion of the EU Crisis Protocol, as well as details on the operational process of law enforcement coordination, making also reference to Europol

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[By registered letter with acknowledgment of receipt]

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tools and processes that are strictly accessible only by law enforcement authorities in Member States. The disclosure of such sensitive information to the public could jeopardize present and future operational activities of the law enforcement authorities of the Member States in their response to cross-border crisis in the online space stemming from a terrorist or a violent extremist act. I therefore consider that the full disclosure of the documents would undermine the protection of public interest as regard public security.

Please note that a document originating from a third party is disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

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 within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Monique PARIAT

Enclosure: The EU Crisis Protocol, ARES (2021) 5020909 (redacted)
 The EU Crisis Protocol Playbook, Ares(2021)5028747 (redacted)