SG.LD.ATD
Access to Documents Coordinator

Brussels, 8 January 2024
eeas.sg.lld (2023) 12728639

To
Mr Finbarr Bermingham
by electronic mail

Subject: Your request for access to documents of 13 December 2023
EEAS reference: 2023/158

Dear Mr Bermingham,

I would like to thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.¹

Following your application, we have searched for the requested “documents which contain the following information: Any communications regarding the planned visit of the governor of Xinjiang Erkin Tuniyaz to Brussels in February 2023. This should include any external contacts with the Chinese Mission to the EU or any other part of the Chinese government. It should also include any internal communications over this matter, including memos, emails, texts, calls, or meetings that discussed the plans for the EU to meet this official. The search should cover the period from when EEAS was first notified about the official’s plans to visit Brussels, until the last available communications on the topic” in the EEAS filing systems and document management databases.

After this search, the EEAS has identified the following documents matching your application, as referenced hereafter:

1. Three EEAS internal emails exchanged on 2 and 5 February 2023 (document 1);
2. Ten EEAS internal emails exchanged on 2, 7, 9 and 10 February 2023 (document 2).

Documents 1 and 2 contain internal exchanges among EEAS senior management and staff members which relate to preliminary internal assessments of actions, policies and intentions, as well as on positions of non-EU countries, and their possible impact on the EU. Our analysis concluded that their public disclosure could undermine the public interest as regards the EU international relations as per Article 4(1)(a), third indent, of the Regulation, as well as the institutional decision-making process as per Article 4(3), second sub-paragraph, of the Regulation.

In fact, disclosing the assessments mentioned above relating to the policies of non-EU countries could compromise the EU ability of maintaining a conducive environment in upcoming diplomatic dialogues and seriously undermine EU’s bilateral relations with the countries mentioned in documents 1 and 2.

Moreover, the public disclosure of documents 1 and 2 would expose to external actors the internal dynamics and decision making process within the EEAS. The disclosure of such sensitive information would also allow actors with adverse interests to those of EU to exploit this information and use it for their purposes.

Therefore, I regret to inform you that we are not in a position to disclose documents 1 and 2 at this point in time, neither as a whole or partially, since it would undermine the protection of the public interest as regards international relations, as per Article 4(1)(a), third indent, of the Regulation and the institution decision-making process as per Article 4(3), second sub-paragraph, of the Regulation.

We have considered whether partial access could be granted to documents 1 and 2. However, since the vast majority of the substantive parts of the documents are covered by the invoked exception, granting a partial access, albeit marginal, to the remaining part would entail revealing information the protection of which is covered by the exceptions relied on.

Should you wish this position to be reviewed, you may make a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation.

Yours sincerely,

[e-signed]

Ludovic Promelle