

## EUROPEAN EXTERNAL ACTION SERVICE



AFFGEN.2  
Head of Division

Brussels, **06 MARS 2018**  
eeas.sg.affgen.2 (2018) 1357460

Mr Joe McNamee  
European Digital Rights  
[ask+request-5062-a6d61475@asktheeu.org](mailto:ask+request-5062-a6d61475@asktheeu.org)

*Subject: Your request for access to documents*  
*Our ref: 2018/027*

Dear Mr McNamee,

Thank you for your request for access to documents, which we have examined in the framework of Regulation (EC) No 1049/2001<sup>1</sup>. This reply concerns the request you addressed to the EEAS. The European Commission will also send you a separate reply to the initial request which concerned their documents.

Concerning the first parts of your request to the EEAS, I am pleased to forward to you in attachment to this letter the email invitation which was distributed to EU Member States on 22 November.

With regard to your last question to the EEAS regarding the concerned invitation, we have found no additional document in the EEAS document management system. We have been informed that it was an informal meeting between the EU Member States, facilitated by the EU Delegation to the Council of Europe upon request by the Member States. However the EU Delegation did not intervene in the meeting and did not share the initial comments by DG Home. No minutes from the meeting were prepared by the EEAS.

Concerning your question whether EEAS or the EU Delegation sent any information or document to EU Member States (individually or collectively) regarding the Council of Europe Recommendation, we have identified three emails sent by the EU Delegation. In attachment to this letter you will find two of these emails which can be partially disclosed to the public. The redacted parts of the two documents contain informal sharing of information and views with officials of EU Member States in Strasbourg on the content of the draft recommendation, its impact on the Union's legislation, on policies in the areas of fighting child sexual exploitation and terrorist propaganda online, as well as on strategy and steps to take in order to coordinate the positions of Member States in this process. Disclosure of the redacted parts in

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter the "Regulation").

the documents would undermine the protection of the decision-making process as outlined in Art. 4(3) of the Regulation.

The third identified email contains an annex with compilation of views and positions held by individual EU Member States. This information has been shared in confidentiality by Member States as part of the EU coordination in the framework of the ongoing negotiations. A disclosure to the general public of such confidential information would risk undermining the mutual trust between Member States and the EU officials in their efforts to explore different possibilities and options which can be used in the negotiations.

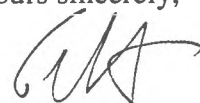
Therefore, we are not in a position to disclose this third document at this point in time neither as a whole or partially since it could risk undermining the international relations and the decision-making process (as per Art 4(1)(a)3rd indent and Art 4(3) of the Regulation).

Should you wish this position to be reviewed, you may confirm your initial request within 15 working days.

Names and email addresses have been redacted from the documents which are forwarded to you in attachment to this letter, in order to respect Art. 4 (1)(b) of the Regulation concerning privacy and protection of personal data.

Finally, I wish to remind you that the documents provided may not be copied or reproduced for commercial purposes without prior consultation with the EEAS.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. Visentin', written over a light blue horizontal line.

Gabriele Visentin