

EUROPEAN EXTERNAL ACTION SERVICE



DG Budget and Administration
The Director-General

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eeas.sg.affgen.2 (2018) 5804464

Mr Peter Teffer
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Subject: Your request for access to documents
Our ref.: 2018/134

Dear Mr Teffer,

Thank you for your letter dated 9 October 2018, confirming your request of 12 September 2018, which I have examined in the framework of Regulation (EC) No 1049/2001¹.

I have examined the reply that you received on 5 October 2018 and the argument you brought forward in your confirmatory application. I take note that a number of documents was sent to you in our initial reply and that you also received a link to the dedicated webpage, which is mentioned further below in this reply.

1. Written minutes/reports of the Global Tech Panel

I understand that your main concern, as described in your confirmatory application, relates to the fact that the EEAS holds no minutes or reports of the meetings of the Global Tech Panel, as you were informed of in our initial reply. Therefore, allow me to first explain better why no formal minutes are drawn up after these meetings.

The Global Tech Panel is an informal advisory body convened personally by the High Representative, and not an expert group in the sense of the "Commission expert groups" set up according to the Commission Decision C(2016) 3301 of 30 May 2016 of the European Commission establishing horizontal rules on the creation and operation of Commission expert groups.

The discussions in the Panel serve the purpose of informing the High Representative on certain complex situations and challenges that the world is facing due to global digitalization. The deliberations are conducted in confidence under the Chatham House rules and all the

¹ 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").

Members are bound by the confidentiality of deliberations. Some of the participants are leaders from important tech companies, the world of investment and civil society and their participation was premised on unconditional confidentiality.

In light of the above, minutes or reports from the meetings are not drawn up.

In reply to your clarification in the confirmatory application, that you meant all written records from the meetings, and although your confirmatory application did not specifically mention invitations, I believe that the letters that are sent out from the High Representative (HR) to the members of the Panel, contain some of the elements you are in search of.

I am therefore pleased to forward to you, in attachment to this letter, the High Representative's invitations and follow-up letters:

- *Invitation letter from the HR to "Members of the Global Tech Panel" for the meeting on 6 June 2018.*
- *Follow-up letter from the HR to "Members of the Global Tech Panel" after the 6 June meeting*
- *Invitation letter from the HR to "Members of the Global Tech Panel" for the meeting on 25 September 2018*
- *Follow-up letter from the HR to "Members of the Global Tech Panel" after the 25 September meeting*

As explained to you above, the purpose of the Global Tech Panel meetings is to discuss in confidence ideas and opinions in order to inform the reflections of the High Representative as she forms her own views in complex areas related to global digitalization, where specialised knowledge is required, as well as to spot early trends and foresee future developments. These views and reflections may later be transposed in proposals and actions in her capacity as High Representative. The public release of parts of these letters, which reveal the personal opinions of the participants, would therefore breach the confidentiality rule under which the Global Tech Panel meetings take place.

Furthermore, the divulgence of personal views of technology companies' leaders, or high-profile personalities from the world of investment or civil society, might have also an impact on the decision-making process of the institution, or affect the commercial interests of the companies or entities that they represent in their professional capacity.

For these reasons, the letters contain redactions which have been made on the basis of the exceptions contained in Article 4(1)(b) of the Regulation (protection of personal data of individuals) and a combination of the exceptions in Article 4(2), first indent, (commercial interests of a natural or legal person, including intellectual property), Article 4(3), first subparagraph, (protection of the decision making process) and Article 4(1)(a), 4th indent (protection of the public interest as regards financial and economic policy) of the Regulation.

2. Public interest in the Global Tech Panel meetings

The EEAS is aware that the Global Tech Panel meetings might be of great interest to the public and therefore, despite the fact that the Panel Members agreed to discuss their ideas under strict rules of confidentiality, the EEAS makes available a maximum of materials and information on its dedicated webpage, which serves also as a platform to share information on the Global Tech Panel internally. It is therefore the most comprehensive source of documentation and information on the work of the Panel that exists.

I take note that in our initial reply you have already been advised to search on the webpage for any other document you need.

In addition, as was suggested in the initial reply, I would invite you to contact the colleagues who support the Global Tech Panel in a secretariat capacity. They are available to meet with you to provide further information and answer any specific questions relating to the work of the Panel. Please do not hesitate to contact Helene.HOLM-PEDERSEN@eeas.europa.eu and Leanda.BARRINGTON-LEACH@eeas.europa.eu to arrange such a meeting.

I hope that this reply will satisfy your request. If not, you may, in accordance with Article 8 of the Regulation, institute court proceedings against the European External Action Service and/or make a complaint to the Ombudsman, under the conditions laid down in Articles 263 and 228 of the Treaty on the Functioning of the EU respectively.

Yours faithfully,



Gianmarco Di Vita