



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate B - Common Implementation Centre  
**B.1 - Common Legal Support Service**  
Head of Unit

B1/RS/JCV

rtd.b.1.002(2020)3293075

***By registered letter with  
acknowledgment of receipt***

Mr Freek Terberg  
Adenauerlaan 79  
3527RB Utrecht  
The Netherlands

***Advance copy by e-mail:***

[ask+request-7744-  
ac226a80@asktheeu.org](mailto:ask+request-7744-ac226a80@asktheeu.org)

**Subject: Your application for public access to documents – GestDem Ref No 2020/1733**

Dear Mr Terberg,

We refer to your email dated 09/03/2020, addressed to the European External Action Service, in which you submitted an application for public access to documents within the framework of Regulation (EC) 1049/2001<sup>1</sup>. As you were informed, part of your request, and more specifically the point referring to the EU-China Science and technology Agreement, has been assigned to the Directorate-General for Research and Innovation. Following the confirmation of your address, your request was registered by our Directorate on 26/03/2020, under reference GestDem 2020/1733.

**1. SCOPE OF YOUR REQUEST**

You requested access to the following documents:

*“[...]final reports (of meetings), minutes, joint statements, press releases and Memoranda of Understanding produced by or concerning these dialogues. The missing policy dialogues:*

*[...]*

*4. EU-China Science and technology Agreement (from establishment - until now)*

*[...].*

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

We have identified six documents matching the criteria of your request (hereinafter the “*requested documents*”), and more specifically:

1. The minutes of the 9<sup>th</sup> Steering Committee meeting of the EU-China Science and Technology agreement, held on 22/03/2011.
2. The minutes of the 10<sup>th</sup> Steering Committee meeting of the EU-China Science and Technology agreement, held on 16/11/2012.
3. The Joint Summary Conclusions of the 11th EU-China Joint Steering Committee on Science and Technology Cooperation, held on 12/06/2014.
4. The joint conclusions of the 12th China-EU Joint Steering Committee on S& T Cooperation, held on 30/10/2015.
5. The conclusions of the 13th EU-China Joint Steering Committee on Science and Technology Cooperation Joint Summary, held on 29/03/2017.
6. The minutes of the 14th Meeting of the EU-China Joint Steering Committee on S&T Cooperation, held on 13/12/2018.

## **2. EXAMINATION UNDER REGULATION (EC) No 1049/2001**

We are pleased to inform you that partial access can be granted to the requested documents. Please note that personal data has been expunged, where necessary, in accordance with the exception provided under Article 4(1)(b) of Regulation (EC) No 1049/2001, as explained below:

### **Protection of privacy and the integrity of the individual**

According to Article 4(1)(b) of Regulation (EC) No 1049/2001, access must be refused where disclosure would undermine the protection of “*privacy and the integrity of the individual*”, in particular in accordance with European Union legislation regarding the protection of personal data<sup>2</sup>.

The requested documents contain information which constitutes personal data in the meaning of Article 3(1) of Regulation (EU) 2018/1725. Such data are the names or information leading to the identification of third parties and of the Commission’s officials not having the function of senior management staff, as well as handwritten signatures.

Pursuant to Article 9(1)(b) of Regulation (EU) 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if “*[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests*”.

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<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

The European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, personal data has been withheld from the requested documents.

### **3. DISCLAIMER AND RE-USE OF THE DOCUMENTS**

You may reuse the disclosed documents free of charge, for non-commercial and commercial purposes, provided that the source is acknowledged, 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.

### **4. MEANS OF REDRESS**

Should you wish this position to be reconsidered, in accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled to present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the following address:

**European Commission**

**Secretary-General**

**Unit SG C.1 – Transparency, document management & access to documents**

**BERL 7/076**

**B-1049 Brussels**

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Reinhard Schulte

Enclosure: the requested documents, expunged from personal data.