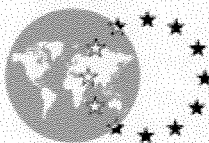


EUROPEAN EXTERNAL ACTION SERVICE



AFFGEN.2
Head of Division

Brussels, 10 JUL. 2018
eeas.sg.affgen.2 (2018) 3454726

Ms Myriam Douo
ask+request-5570-4b2ac876@asktheeu.org

Subject: Your requests for access to documents of 15 May 2018
Our ref: 2018/078 and 2018/079

Dear Ms Douo,

Thank you for your requests for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001¹.

After consultation with the EU Delegation in Geneva and after a search in the EEAS database, we identified a number of documents matching your request.

After examination by the services in charge, I am pleased to forward to you, attached to this letter, thirteen of the identified documents. In four of those (see Annex 1, "*B. Partial Disclosure*") some data was expunged in order to respect the provisions on data protection i.e. names of staff members and of third parties, email addresses and other personal data pursuant to Art. 4(1)(b) of the Regulation 1049/2001. In the two meeting reports, some lines were also redacted since public disclosure of that information, at this point in time, would negatively affect the EU's negotiation power vis-à-vis other negotiating parties. This information relates to the ongoing process to formulate our negotiation position on draft decisions/UN texts that are not yet finalised or approved. Public disclosure of the parts of the documents which we have redacted is therefore prevented on the basis of Art 4(3), 1st indent (decision-making process) and Art 4(1)a, 3rd indent (international relations).

In Annex 1 "*C, disclosure prevented*", we have listed the documents where our examination concluded that the documents contain information which is protected pursuant to exceptions laid down in Article 4 of the Regulation. These reports, non-papers and documents contain analyses reflecting other UN Member States views and positions, internal assessments, and/or other elements that are part of the ongoing process to formulate negotiation positions on draft decisions or UN texts that are not yet finalised or approved.

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").

Therefore we are not in a position to disclose these documents, neither as a whole nor partially, since this could a) seriously undermine the institution's decision-making process a per Art 4(3)1st indent and b) risk undermining the international relations Art 4(1)(a)3rd indent of the Regulation. Furthermore, no overriding public interest in disclosure was identified.

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

I kindly 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 read 'GVA', with a stylized flourish at the end.

Gabriele Visentin

Annex 1

A. Full disclosure

See documents in attachment.

B. Partial disclosure

1. Agenda of the Inter-Service Group meeting, 19 October 2017
2. Agenda of the Informal Expert Meeting on Business and Human Rights, 29 January 2018
3. Report of the Informal Expert Meeting on Business and Human Rights, 29 January 2018
4. Report of the Inter-Service Group meeting, 13 March 2018

C. Disclosure Prevented

1. Non-Paper EEAS / Commission services on the preparation of the "open ended intergovernmental group on transnational corporations and other business enterprises with respect to human rights" (OEIWG), 29 September 2017
2. Preliminary analysis - Elements for a draft legally binding instrument on Transnational Corporations and other Business Enterprises, 18 October 2017
3. Information Note for the attention of of HRVP Mogherini, 21 November 2017
4. Note by the Human Rights Directorate for the attention of HRVP Mogherini – Business and Human Rights – Way forward, 10 January 2018
5. GRI fiche, Non-paper EEAS / Commission services on Business and Human Rights, 20 April 2018
6. Working Paper to the Council Working Party on Human rights, Draft Non-Paper, 20 April 2018
7. EU-position Paper on Legally Binding Instrument on Business and Human rights, No date
8. Non-Paper Business and Human rights , Next steps for EU action in multilateral for a and internally, No date.
9. Non-paper. Informal TPC S&I, Sofia 7-8 May 2018
10. Email with notes from the ISG meeting on business and human rights on 19 October
11. Email with notes from a meeting held on 8 March
12. Email with notes from an informal ISG on 4 May