



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

The Director General

By registered letter with acknowledgment of receipt

Ms Kirsten Fiedler
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Dear Mrs Fiedler,

Subject: Your application for access to documents – Ref GestDem No 2015/3658

We refer to your e-mail dated 29 May 2015 in which you make a request for access to documents, registered on 9 July 2015 under the above mentioned reference number. I also refer to the Commission's reply to your confirmatory application in GESTDEM 2015/2271 (Ares(2015)2965584 dated 14 July 2015) in which you were informed that the Commission considered your letter of 29 May 2015 as partly a new initial request. In that letter you were also informed about the existence of minutes of a first preparatory meeting with the industry and that the Commission considers this document to fall within the scope of your new request.

Your application concerns several items, listed here below, and under which I have identified a certain number of relevant g documents.

1) *Documents or communications between the private sector and the Commission following the announcement to "set up a forum with key players in the industry":*

a) Invitation/agenda to industry representatives to attend the meeting of 7 May 2015 identifying the issues for discussion including exchange of view on priorities, challenges and scope of engagement in countering online terrorism activity, a first sharing of experiences and the scope and content of future activities of the future forum (for the minutes of the meeting, please see below under point 3 b)).

b) Invitation/agenda for the awareness raising event of 24 July 2015 inviting participants to present the different approaches and initiatives in addressing terrorist material online, to share experiences with and to indicate scope for improvement of internet referrals and to exchange views on further initiatives e.g. aimed at raising awareness of the public.

2) *Documents and communications between the Commission and "community groups" and "citizens" mentioned in section 2.6 of the Commission's Communication "Preventing Radicalisation to terrorism and Violent Extremism" (COM(2013)941 final of 15 January 2014; "PREVENT Communication of 2015"), or a confirmation that no such documents exist:*

The Commission does not directly communicate with community groups or citizens referred to under the second bullet point of section 2.6 of the PREVENT Communication of 2015. In line with what was announced in section 2.6 of that Communication, the Commission tasked the Radicalisation Awareness Network (RAN) to help the mentioned stakeholders in developing innovative online counter-narratives.

3) ***Documents regarding plans for setting up the Forum:***

a) Internal documents preparing for the formal launch of the IT Forum scheduled for the end of the year, comprising:

i) Note of 10 June 2015 addressed to the Commissioner asking for endorsement and further guidance. The Note explains the overall context of the initiative, provides further details about the proposed remit of the EU IT Forum, outlines organisational aspects, proposes a series of actions and first initiatives and identifies a number of challenges.

ii) Concept note in view of the preparation of the high level event for the launch of the IT Forum at the end of the year setting out potential issues and topics to be covered by the IT Forum, proposing preparatory events feeding into the IT Forum and addressing related organisational aspects.

b) Minutes of a first preparatory meeting with representatives from the industry which took place on 7 May 2015 reflecting the respective positions of participants, the various challenges that stakeholders are facing and plans for next steps.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents ("Regulation 1049/2001"), I have come to the conclusion that some of them may be disclosed, some only partially and for some your request needs to be rejected.

The Commission is able to provide you with the ***documents mentioned under point 1) and 3 b)*** above. As regards the ***document mentioned under point 3 b)*** this is possible, in view of the sensitivity of the matters dealt with by the IT forum which are closely linked to matters of public security, due to the agreement given by participants to the public disclosure of this document. The ***invitation mentioned under point 1 b)*** can only be disclosed in a redacted version, eliminating personal data in accordance with Article 4(1)(b) of Regulation 1049/2001.

As regards ***point 2***, please be informed that, as explained above, no such documents exist. I draw your attention to the fact that reports of activities of the RAN working group entrusted with this task (RAN@) are publicly available on DG HOME's website to which I kindly refer you: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-at/index_en.htm as well as the regular up-dates of RAN working group activities: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/ran-news/index_en.htm#update0021

On the other hand, as regards ***documents mentioned under point 3 a)***, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001.

More specifically, internal documents under point 3 a) above could affect the decision-making process of the Commission, as their disclosure would reveal preliminary views and policy options which are

currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Disclosure of these documents could seriously undermine the ability of the Commission and other involved stakeholders to freely exchange their views concerning actions and initiatives to be taken within the IT Forum to effectively tackle the use of the internet for terrorist purposes. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation 1049/2001 applies to these documents.

I would also like to recall the sensitivity of the matters dealt with by the IT forum which are closely linked to matters of public security within the meaning of Article 4(1) a) of Regulation 1049/2001. The public dissemination of documents revealing concerns to be addressed and exploring possibilities to overcome challenges to tackle terrorist propaganda online is therefore to be handled with extreme care. References to concrete projects, practise or follow up actions could undermine the protection of public security.

In addition, the engagement with different stakeholders and in particular industry in the context and preparation of the IT Forum is based on a relationship of mutual trust among all stakeholders involved. References to the position or concerns of individual stakeholders could undermine the necessary climate of mutual trust.

The exceptions laid down in Article 4(2) and 4(3) of Regulation 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

The general public interest that may exist in having access to preparatory documents prepared by Commission services cannot outweigh the negative impact such a public disclosure would have on the further preparatory work as well as the need to safeguard the required relationship of trust with the stakeholders involved as explained above.

I have also considered whether partial access could be granted to the documents requested. For the same reasons as explained here above, I am however of the opinion that partial access is not possible.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Director-General

Annexes:

Annex 1: Document mentioned under point 1 a): Draft agenda for a Preparatory meeting for the EU Internet Forum with Internet Service Providers on 7 May 2015

Annex 2: Documents mentioned under point 1 b): Invitation and agenda for the awareness raising event of 24 July 2015

Annex 3: Document mentioned under point 3 b): Minutes of a first preparatory meeting with representatives from the industry which took place on 7 May 2015