



SG.2
Acting Head of Division

Brussels, 5 September 2023
eeas.sg.2 (2023) 8738178

To
Mr [REDACTED]
by electronic mail

Subject: Your request for access to documents of 13 August 2023
Our ref: 2023/117

Dear Mr [REDACTED]

I would like to thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.¹

Following your application, we have searched for the requested documents: “*INTCEN EUMS INT or SIAC analyses on the geopolitical and security impacts of climate change or biodiversity loss; Parts of the presentation of the threat analysis presented at the PSC meeting on 16 November 2020 regarding climate change or biodiversity loss*”.

After this search, the EEAS has identified a series of documents related to your request. However, their disclosure would undermine the protection of the public interest as regards public security, defence and military matters as well as international relations, pursuant to Article 4(1), first, second and third indents of the Regulation No 1049/2001 and therefore access to these documents shall be refused.

In that regard, it must be recalled that a special treatment² shall be given to documents of sensitive nature in the meaning of Article 9 of the Regulation No 1049/2001 and classified as

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").

² See Judgment of 1 February 2007, *Sison v Council*, C-266/05 P, EU:C:2007:75, paragraph 103.

“TRÈS SECRET/TOP SECRET”, “SECRET” or “CONFIDENTIEL/CONFIDENTIAL”³, especially those shared with the EU institutions by EU Member States. Under Article 9(4) of the Regulation, an institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4 of the Regulation. It implies the possibility to prevent disclosure of the identity of the originating authority of the document in the event that the existence of that document should become known and the possibility “to oppose disclosure not only of that document’s content but even of its existence”⁴.

Against this background, please note that the requested documents are based on classified information gathered by national intelligence and security services as regards the geopolitical and security impacts of climate change or biodiversity loss. The analysis of this information by the responsible authorities at national level and EU level is essential in protecting the public from a serious security threat, for considerations of defence and military nature, and for the determination of the international relations of the EU and its Member States with third countries and with other international actors.

The requested EUCI⁵ documents are based on classified contributions from EU Member States intelligence and contain information provided by security services, which are of classified nature. Their public release would risk not only endangering the sources and methods through which the information was collected in the Member States, but also make known to the public – and consequently to the intelligence and security services of third countries – the level and the nature of information gathered by EU Member States and shared with EEAS and its INTCEN service. Such a release would undermine the protection of the public security, defence and security matters as well international relations of the EU and its Member States, in particular since this information may be used by hostile and malicious actors against the interests of the EU and its Member States. As a consequence, releasing the requested documents would adversely affect the EU and its Member States definition of strategic goals and actions in the area of the geopolitical and security impact of climate change or biodiversity loss.

Besides the fact that access to such document shall not be granted by the EEAS, please note that it is not even possible to list the documents that resulted from our search. Such listing would already provide sufficient elements to malicious actors to identify the sources and the ways in which intelligence information is gathered. Moreover, the mere disclosure of the list those documents would reveal their origin which would lead to a breach of trust between the EU institutions and the contributing intelligence services of the Member States and third states. It is therefore vital to protect this information and analysis, and any data that might indicate, even indirectly, how intelligence and security services compile such information.

Therefore, as indicated above, I regret to inform you that we are not in a position to provide you with the requested documents, neither as a whole nor partially, since it would seriously undermine the protection of the public interest as regards public security, defence and military

³ See Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

⁴ Judgment of 1 February 2007, Sison v Council, C-266/05 P, EU:C:2007:75, paragraphs 101 and 102.

⁵ EU classified information

matters and international relations, as per Article 4(1)(a), first, second and third indents, of the Regulation.

Should you wish this position to be reviewed, you may make a confirmatory application within 15 working days.

Yours sincerely,

[e-signed]

