



Council of the  
European Union

106381/EU XXVII. GP  
Eingelangt am 27/06/22

Brussels, 27 June 2022  
(OR. en)

10525/22

INF 99  
API 43

#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 05/c/01/22

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Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 3 June 2022 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 14 June 2022 (Annex 2);
- the confirmatory application dated 20 June 2022 and registered on the same day (Annex 3).

**[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Friday 3 June, 2022 12:59]**

From: **DELETED**

To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

Subject: access to documents request - Council of the EU engagement with and policy on Chinese information and communications technology firms

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

Information on Council of the EU engagement with and policy on Chinese information and communications technology firms in the period of 2019-2022.

This request covers:

Copies of internal working policy/position papers of the Council of the EU and the representatives of Member States outlining proposed policies - EU regulations and directives - pertaining to market access and operation of information and communications technology firms of Chinese (PRC) origin, particularly those involved with the provision of 5G communications technology, infrastructure, and services.

Communications to the Council by third parties (corporations, industry representatives, lobby groups/firms, public interest groups) outlining their positions with respect to any aspect of EU policy/law on 5G communications technology and security.

Internal Council meetings (minutes and reports thereof) regarding the above policy issues.

Meetings (minutes and reports thereof) between Council officials (defined as any individual employed directly or indirectly by the Council and its associated EU bodies/offices) and representatives of Chinese firms.

Specifically, by 'Chinese information and communications technology firms', I refer to the broad category of technology firms that originate in the People's Republic of China, including but not limited to: Huawei, Miteno, MXSoft, Ningbo Orient Wires & Cables, OTEC Technology, QuantumCTek, Shangang, Shenzhen Friendcom Technology Development, World Telecom Satellite, Yak, Zhizyun, and ZTE.

Yours faithfully,

**DELETED**



**Council of the European Union**

General Secretariat

*Directorate-General Communication and Information - COMM*

*Directorate Information and Outreach*

*Information Services Unit / Transparency*

*Head of Unit*

Brussels, 14 June 2022

**DELETED**

Email: **DELETED**

Ref. 22/1229-mj/vk

Request made on: 03.06.2022

Dear **DELETED**,

Thank you for your request for access to “documents which contain the following information:

*Information on Council of the EU engagement with and policy on Chinese information and communications technology firms in the period of 2019-2022.*

*This request covers:*

*Copies of internal working policy/position papers of the Council of the EU and the representatives of Member States outlining proposed policies - EU regulations and directives - pertaining to market access and operation of information and communications technology firms of Chinese (PRC) origin, particularly those involved with the provision of 5G communications technology, infrastructure, and services.*

*Communications to the Council by third parties (corporations, industry representatives, lobby groups/firms, public interest groups) outlining their positions with respect to any aspect of EU policy/law on 5G communications technology and security.*

*Internal Council meetings (minutes and reports thereof) regarding the above policy issues.*

*Meetings (minutes and reports thereof) between Council officials (defined as any individual employed directly or indirectly by the Council and its associated EU bodies/offices) and representatives of Chinese firms.*

*Specifically, by 'Chinese information and communications technology firms', I refer to the broad category of technology firms that originate in the People's Republic of China, including but not limited to: Huawei, Miteno, MXSoft, Ningbo Orient Wires & Cables, OTEC Technology, QuantumCTek, Shangang, Shenzhen Friendcom Technology Development, World Telecom Satellite, Yak, Zhizyun, and ZTE.”<sup>1</sup>*

After having checked with the relevant services, it appears that the General Secretariat of the Council does not hold documents corresponding to your request.

Yours sincerely,

Fernando FLORINDO

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Monday, June 20, 2022 13:21]

**From:** **DELETED**

**Sent:** Monday, June 20, 2022 1:21 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Internal review of access to documents request - Council of the EU engagement with and policy on Chinese information and communications technology firms

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Council of the EU engagement with and policy on Chinese information and communications technology firms'.

I find it difficult to believe that the Council holds no relevant documents or other records requested pertaining to the issue identified in my request. For instance, the Council Conclusions of December 3rd 2019 specifically addressed the issue of 5G security risks and mitigation of these. Huawei, and Chinese telecommunications firms generally, have long been a part of the discussion within Europe around these. At a minimum, drafting of these Council Conclusions will have involved actors and processes referred to in my original request and I would expect have created a paper trail. This is but one example wherein the Council has been involved in the articulation of policies that are directly and/or indirectly related to Chinese ICT firms and their presence in Europe.

Consequently, I would like the request to be re-examined.

A full history of my request and all correspondence is available on the Internet at this address:

[http://www.asktheeu.org/en/request/council\\_of\\_the\\_eu\\_engagement\\_wit](http://www.asktheeu.org/en/request/council_of_the_eu_engagement_wit)

Yours faithfully,

**DELETED**