



## THE SECRETARY-GENERAL

Ms Emily O'Reilly  
European Ombudsman  
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CS 30403  
F-67001 France  
eo@ombudsman.europa.eu

Brussels, **01 AOUT 2019**  
eeas.sg.affgen.2(2019)5407391

**Subject: Complaint 1959/2018/MIG – Your proposal for a solution to grant increased partial access to documents relating to the Global Tech Panel**

Dear Ms O'Reilly,

Thank you for your letter of 2 July to the High Representative for Foreign Affairs and Security Policy, transmitting your Proposal for granting increased partial access to two invitation letters and two follow-up letters concerning meetings of the Global Tech Panel.

We have examined your Proposal for a solution and are pleased to confirm our agreement to grant increased partial access to two invitation letters and two follow-up letters concerning the meetings of the Global Tech Panel held on 6 June and 25 September 2018, in line with the principles explained in your Solution Proposal.

We have taken due notice of your recommendation that the EEAS should grant further public access to parts of the text where the High Representative's own views and opinions are expressed.

We equally appreciate your acceptance of our decision to grant partial access as being justified and in line with Regulation (EC) No 1049/2001.

As you note, for example, as point of principle, the documents at issue contain some personal views of the Panel's members which, if disclosed, could realistically result in the undermining of the members' commercial interests. On this basis, the Ombudsman accepts that a policy of releasing such information could have the consequence that members would be reluctant to engage in the Panel's meetings. In this way, the Panel's decision-making process would be



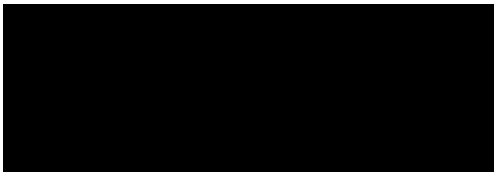
compromised and it would consequently undermine the decision-making process of the High Representative [Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.]

Along these lines, the EEAS agrees with the large majority of your proposal, but will maintain certain redactions, including redactions that pertain to the *sui generis* nature of the Global Tech Panel's working arrangements. The release of text referring to suggested inputs to, or outputs from, the Panel's discussions could be misread as associating the Panel Members in the eyes of the public with certain commitments and positions that might not be in line with the philosophy or the strategy of the companies or organizations that they represent in their public life. This could realistically result in the undermining of these Members' or their companies' or organizations' commercial interests [Article 4(2), first indent, of Regulation (EC) No 1049/2001].

I take this opportunity to underline our appreciation for the excellent cooperation with you and your Office.

You may share with the complainant the new redacted versions of the two invitation letters and two follow-up letters included in annex, granting increased partial access in line with the principles explained in your Solution Proposal.

Yours sincerely,



Heiga Maria Schmitt

Enclosure:

- Annex in response to the Proposal



## **Annex**

**Updated redacted documents relating to the Global Tech Panel  
(European Ombudsman Case reference: 1959/2018/MIG)**

FEDERICA MOGHERINI

HIGH REPRESENTATIVE

VICE PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 25/05/18

A(2018)3037245

To Members of the Global Tech Panel

Dear Members,

Like many Europeans in my generation, I grew up with the dream of a more cooperative global order after the Cold War era. Today, in my daily work, I witness first-hand the current state of global confusion, and I see a resurgence of zero-sum thinking. Too many players seek confrontation to achieve their short-term goals, instead of building sustainable solutions through cooperation. Too often unilateral instincts prevail over the search for common ground.

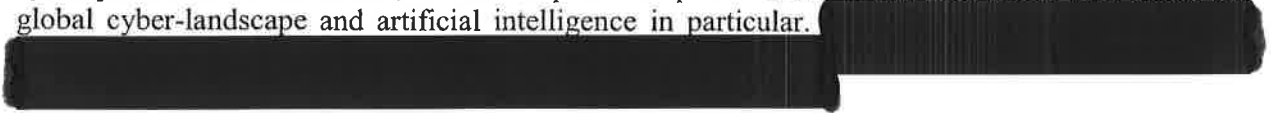
Yet it should be clear that our world is too complex for unilateralism. Power is more diffuse and fragmented than ever. Not only do we live in a multipolar world, where several nations have risen to the status of global or regional powers. Most of the issues of our times cannot be solved by national governments alone. If we want our action to be effective, we must build new coalitions. Foreign policy today is no longer a matter for diplomats and policy-makers alone.

As humans, we have navigated previous periods of tumultuous change. We can take advantage of the huge opportunities offered by technology, and at the same time counter the emerging challenges posed by technology. I hope that the Global Tech Panel can be part of that effort.

I propose that we focus on three specific areas of work to start.

First, how do we deal with the new security threats arising from digital technologies? The nature of conflict has changed throughout history. Today, cyberspace has emerged as the latest front, as the newest advances in digital technology not only bring enormous benefits for humankind, but can also be weaponized. Tech leaders – including some of you on this Panel – have identified real potential challenges with autonomous lethal weapons systems and applied artificial intelligence. We must take these challenges into consideration, while we also explore the potential benefits of new applications of artificial intelligence.

The European Union is already contributing to developing the capacity of our international partners to address cyber threats, fight cybercrime and promote the rule of law in cyberspace. We engage in cyber diplomacy and we actively seek international agreements on responsible behaviour in cyberspace. But for all of this, we need a partnership with those in the tech world who shape the global cyber-landscape and artificial intelligence in particular.



Second, I am convinced that the opportunities of global connectivity outnumber its risks, by far. Think of a continent of immense untapped potential such as Africa. Over the last years we in the European Union have worked to bring private investment to the most fragile parts of the continent. Young African talents should not be forced to leave their home countries to find the opportunities they deserve. They need access to technology and quality education, they need the chance to develop their ideas and get support for their start-ups. Much of this you know – and do – much better than any government agency could dream of doing. What the European Union can bring to the table are strong relations with political leaders at the highest level, which can be leveraged to improve governance and create a more conducive ecosystem for start-ups and human development. Together with my European Commission colleagues, we speak to the heads of state and government of African countries all the time. I hope this Panel can find innovative ways to give value to talent in these fragile places, so that no one is left behind. This may sound like a long shot – but it is always worth aiming high.

These two areas – new threats and technology for development – will take time to deliver a decisive impact. This is why I would like to see this Panel work on a third priority: addressing practical challenges and get results within a year.

Could we do something for Syrian refugees in Jordan and Lebanon, or in Turkey where Turkish language skills are the gateway to a better life? You will each know of projects that fit this mould of quick impact by joining tech and diplomacy. I would like to see the Global Tech Panel as a place where challenges and solutions meet.

In bringing you all together, my aspiration is to have an open conversation and to build a common understanding of what needs to be done. I see this Panel not as a one-off exercise to produce yet another policy paper, but as an incubator for new solutions. We can aim for practical suggestions to share with policy-makers at top level, all around the world. We will certainly need voices from Africa and Asia as we move forward. If we embark upon the challenge of artificial intelligence and security, we will need to bring in other partners as well. I have spoken to my friend Antonio Guterres, the Secretary General of the United Nations, and we could involve him in our discussions. No doubt, you will have thought about people who should be on this Panel too. Let us have that reflection together as well.

I look forward to welcoming you all to the first meeting of our Global Tech Panel (#GlobalTechPanel) on 6 June from 14-17:00 at the Headquarters of the European External Action Service, Rondpoint Schuman 9A in Brussels. Together, I hope we can foster a new type of cooperation between diplomacy and technology to make innovation a true force for good, in all corners of the world.

Yours sincerely,

Federica Mogherini

# FEDERICA MOGHERINI

HIGH REPRESENTATIVE  
VICE PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 26/06/2018  
A(2018)3649097

To Members of the Global Tech Panel

Dear all,

I wanted to thank those of you who made it and others who contributed in advance for an excellent first meeting of our Global Tech Panel on the 6<sup>th</sup> June. I genuinely enjoyed our conversation, and I am inspired and humbled by the expectations you have of Europe, the values we stand for, and the ethics that we should represent on the global stage. We don't get to choose the kind of times we live in. But we can choose to try to shape our times.

I take from our discussions a shared aspiration for a new form of partnership between diplomacy and technology leaders, to harness digital opportunities for good and address the new security threats. Like you, I think we need new global leadership at a time when confrontation, short-termism and the rejection of global rules and ethics seems all too prevalent. The current system for global governance is certainly imperfect. Rules can be improved. But the solution is never to destroy all that has been built. We should focus our energies not just on destroying the old, but on building the new. Improve rules, build new partnerships, and expand global governance. All in order to promote opportunity, creativity and ingenuity. It is in this spirit and with a sense of service for the global good that I look forward to continuing our collaboration.

I drew from our discussion [REDACTED] to start with the following substantive areas:

- Artificial intelligence and lethal autonomous weapons systems. [REDACTED]
- Harnessing the influence, technologies, and resources [REDACTED] to seek new, tech-enabled ways to offer solutions and promote human development [REDACTED] Connectivity will be key. For every 10 people who come online, one is lifted out of poverty.

[REDACTED]

- New partnerships in countering emerging cyber threats.

[REDACTED]

For my part, I am ready to take the policy recommendations forward at my level in the EU, [REDACTED] in the UN and the G20 and with likeminded partner countries and civic leaders. As discussed, I will circulate a calendar of high-level events providing opportunities to influence the narrative on tech for good. For this and, indeed, for all of the above, please do contribute and cross-connect.

In terms of when to meet next, I am open to proposals from your side. My only preference at this stage would be in favour of momentum, [REDACTED] In terms of meeting again as a full Panel, and in view of everyone's busy schedules, I suggest that we aim for two meetings in the coming year, leading up to a stock-taking next July – [REDACTED]

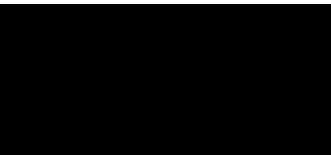
In terms of venues, [REDACTED]

[REDACTED] I will reflect these in our calendar of events. Personally, I propose organising meetings in Geneva and Tunis also in the months to come, as natural focal points for our detailed discussions on lethal autonomous weapons systems and education, respectively. Many of us will be in New York around the opening of the UN General Assembly in September. This could afford opportunities to meet as well, including possibly with UN Secretary-General António Guterres. [REDACTED]

[REDACTED] I am open to other options – please do share any concrete suggestions that you may have.

After our first meeting, I am convinced that there is a new narrative to be created on tech and diplomacy working to solve problems together. We will each bring something different to the table: knowledge and ideas, leverage and influence, resources and technology. We will each bring more people to the table, till we have the coalitions needed to make an impact on the agendas we choose. And we may each find that there are some tables where we have more to offer than others, and more time and resources we can commit. But above all, I was inspired by the energy and ambition in the room last week to affect change. I look forward to continuing our common journey.

Yours sincerely,



Federica Mogherini

Brussels, 10/09/2018  
A(2018)5120047


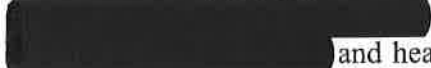
To the Members of the Global Tech Panel,



Dear friends,

I am pleased to confirm our next meeting of the Global Tech Panel in New York on the 25th of September at 15:00 at the European Union Delegation to the United Nations in New York, located on 666 Third Avenue, 26th Floor, New York, NY 10011. I hope you can make it.

I am delighted to equally invite you to the European Union's annual reception on the occasion of the opening of the United Nations General Assembly, which will take place on the 26<sup>th</sup> of September at the EU Delegation Offices from 18:00-20:00.

You may have seen that UN Secretary-General António Guterres launched a High-Level Panel on Digital Cooperation in July to advance proposals to strengthen international cooperation in the digital space and deliver a report within 9 months. The report is expected to map trends in the development and deployment of digital technologies, identify policy, research and information gaps, and present proposals to strengthen international cooperation in the digital space. The UN Panel will hold its first meeting on 24-25 September in New York.

I believe that there is considerable scope for cooperation and complementarity between our two efforts. I have therefore invited Secretary-General Guterres  to join our Global Tech Panel meeting on 25th of September  and hear from us about our agenda. I have also invited the Members of the UN Panel to the EU reception in the evening, to afford an opportunity for everyone to meet and discuss in a relaxed atmosphere.

Following on our discussions of last June,  on a game changing collective initiative for opportunity, jobs and skills in North Africa. I suggest that we have a first full discussion on this in New York. I hope we can use this discussion to reflect more broadly about what works today and is happening already in some places around the world – and could be replicated anywhere with the right ingredients and policies. I propose to update you quickly on where we are with the discussion on Lethal Autonomous Weapons Systems as well, .

I look forward to seeing you.

Yours sincerely,


  
Federica Mogherini



FEDERICA MOGHERINI

HIGH REPRESENTATIVE

VICE PRESIDENT OF THE EUROPEAN COMMISSION

 Ref: Ares(2018)442733 - 23/10/2018

Brussels, 16/October 2018

A(2018)5741780

To Members of the Global Tech Panel

Dear all,

I wanted to thank those of you who made it our meeting in New York last week, and others who contributed in advance.

It sent a strong signal to meet in the margins of the UN General Assembly, inviting UN Secretary-General Guterres' representative to join as our guest. We will find solutions to the great issues of our times only if we work together, and the United Nations is the natural centre of gravity for all our collective work on peace, security, and growth around the world.

Realistic and effective solutions are born when we join forces, among global powers and between continents. For instance in creating jobs and opportunities for our young people; in governing migration together; in fighting violence against women; in demonstrating that respect for human rights makes our societies stronger and richer; in working for truly sustainable development; and – as this Panel aspires to – in using the full potential of new technologies, such as artificial intelligence, while also addressing their dark sides.

I believe we reached several good results in New York.



Last June we said that we wanted concrete results in a year. We are well on track towards this goal.

I would like us to move forward with the same intensity also on artificial intelligence and lethal autonomous weapons systems.

Since our last meeting, the issue has gained important political traction. The UN Secretary-General mentioned it in his opening remarks to the General Assembly last week. In September, the European Parliament passed its first-ever resolution on autonomous weapon systems. And the UN's Group of Governmental Experts on Lethal Autonomous Weapons Systems agreed on a first set of "Possible Guiding Principles" in August, an important result after year-long deliberations.

I was in Strasbourg to discuss the issue ahead of the European Parliament vote in September. I mentioned the work of this Panel, stressing the need to listen to the experts' advice on a very technical and delicate issue.

[REDACTED] EU leaders will adopt a Strategy on artificial intelligence in December.

I count on your help as well to shape its section on international security.

Together we can find a solution that is both prudent and innovative. Define the boundaries of A.I. applications, so that within those limits, scientists are free to explore the immense potential of A.I.

[REDACTED]

Politics needs technology to explore new opportunities and prevent potential threats, and technology needs diplomacy so that your expertise can shape good laws and diplomacy can help pave the way for progress. Thus, the public debate is not driven by prejudice and fear, but rather by openness, science, and human ingenuity.

I look forward to continuing our discussions soon. [REDACTED]

[REDACTED]

Yours sincerely,

[REDACTED]

Federica Mogherini