

## **Letter from the European Ombudsman to the European External Action Service (EEAS) on its refusal to give full public access to its annual report on the implementation of the Permanent Structured Cooperation (PESCO) of the EU in 2020**

Correspondence - 29/04/2021

**Case 786/2021/LM - Opened on 29/04/2021 - Decision on 08/07/2021 - Institution concerned** European External Action Service ( No maladministration found ) |

Mr Gabriele Visentin

Head of Division

Strasbourg, 29/04/2021

Complaint 786/2021/LM

**Subject of case:** The European External Action Service's (EEAS) refusal to give full public access to its annual report on the implementation of the Permanent Structured Cooperation (PESCO) of the EU in 2020, reference HR (2020)54

Dear Mr Visentin,

The Ombudsman has received a complaint from Mr X against the EEAS concerning a request for public access to the “High Representative of the Union for Foreign Affairs and Security Policy Annual Report on the Status of PESCO Implementation 2020”. She has asked me to deal with the case on her behalf.

The EEAS has disclosed a redacted version of the report, as it argued that full disclosure could undermine the protection of international relations and of defence and military matters. The complainant considers that the EEAS should at least grant increased partial access. He argues, amongst other things, that the reasons for not disclosing the document in full put forward by the EEAS are not sufficiently specific and that certain Member States do make similar information public.



We have decided to open an inquiry into this complaint against the EEAS's refusal to disclose in full the "High Representative of the Union for Foreign Affairs and Security Policy Annual Report on the Status of PESCO Implementation 2020" under Regulation 1049/2001.

Regulation 1049/2001 states that applications for access should be handled promptly. It is in line with this principle that we also seek to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the document "High Representative of the Union for Foreign Affairs and Security Policy Annual Report on the Status of PESCO Implementation 2020". I would be grateful if your services could provide this document, preferably in electronic format through encrypted e-mail, [1] by 6 May 2021.

The documents subject to the public access request will be treated confidentially, along with any other material the EEAS chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

The EEAS's position has been set out in its initial reply of 5 March 2021 and confirmatory response of 9 April 2021. However, should the EEAS wish to provide additional views, to be taken into account by the Ombudsman during my inquiry, they should be provided to us within fifteen working days of receipt of this letter, that is, by 22 May 2021.

If you have any questions, please feel free to contact the inquiries officer, Ms Laura Massocchi.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

[1] Encrypted emails can be sent to our dedicated mailbox [eo-secem@ombudsman.europa.eu](mailto:eo-secem@ombudsman.europa.eu). Please

contact [eo-secem@ombudsman.europa.eu](mailto:eo-secem@ombudsman.europa.eu) beforehand.