



Letter from the European Ombudsman to the European External Action Service on its refusal of public access to documents concerning the EU's Police Mission for the Palestinian Territories

Correspondence - 25/11/2021

Case 2051/2021/MIG - **Opened on** 25/11/2021 - **Decision on** 07/03/2022 - **Institution concerned** European External Action Service (No maladministration found) |

Acting Head of Division

EEAS SG.AFFGEN.2 "Parliamentary Affairs"

European External Action Service

Dear Mr X,

The Ombudsman has received a complaint against the European External Action Service.

The complaint concerns the EEAS refusal to give public access to documents concerning the EU Police Mission for the Palestinian Territory ('EUPOL COPPS').

The EEAS identified a note and several classified reports and refused to give access to these documents, arguing that disclosure would undermine the public interest as regards public security and international relations. The complainant questions the applicability of the exceptions the EEAS relied on and would like the EEAS to disclose the documents.

We have decided to open an inquiry into the complaint against the EEAS decision to refuse access under Regulation 1049/2001.

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

As a first step, we consider it necessary to review the non-classified document [1] falling within the scope of the complainant's access request. I would be grateful if the EEAS could provide this document, preferably in electronic format through encrypted e-mail, [2] by 2



December 2021.

The note 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 confirmatory response to the complainant. However, given the sensitivity of the documents at issue, it appears that the EEAS could not share detailed reasons as to why it considers that access has to be refused. We therefore consider that it would be helpful to schedule a meeting between the EEAS and the Ombudsman's inquiry team at which we can discuss this case. This meeting could be held together with the meeting in case 2038/2021/DL.

The inquiries officer responsible for the case, Ms Michaela Gehring, can be reached at the following telephone number: [redacted] to arrange the details of this meeting, ideally to take place no later than 16 December 2021.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 25/11/2021

[1] 'Decision Note for the attention of [the High Representative] on the transmission of the Strategic Reviews of [EUBAM Rafah] and [EUPOL COPPS] to the Political and Security Committee'.

[2] Encrypted emails can be sent to our dedicated mailbox.