

Letter from the European Ombudsman to the European External Action Service (EEAS) on its refusal to grant public access to documents related to EU funding provided to Palestinian civil society organisations

Correspondence - 06/01/2022

Case 29/2022/TM - Opened on 06/01/2022 - Decision on 05/07/2022 - 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. This is the third complaint we have received from this complainant in recent months. The two other complaints [1] will be discussed at a meeting with your colleagues on 13 January 2022.

This complaint concerns the EEAS's refusal to give public access to five documents containing information on EU funding that was granted to Palestinian civil society organisations.

The EEAS identified five briefings and refused to give access to these documents, arguing that disclosure would undermine the public interest as regards international relations. The complainant questions the applicability of this exception and considers that the EU should be transparent about the funding it grants to civil society organisations. He would like the EEAS to disclose the documents at issue.

We have decided to open an inquiry into the complaint against the EEAS's 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 documents at issue in the complainant's request. I would be grateful if these documents could be provided, preferably in electronic format through encrypted e-mail, [2] **by 13 January 2022** .

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.

We also 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. The inquiries officer responsible for the case, Ms Michaela Gehring, can be reached to arrange the details of this meeting, ideally to take place **before 4 February 2022** .

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 06/01/2022

[1] Complaints 2038/2021/DL and 2051/2021/MIG.

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