

The European External Action Service's (EEAS) refusal to give public access to a document concerning the suspension of opposition parties in Ukraine

Case opened

Case 952/2022/MIG - **Opened on** 11/05/2022 - **Decision on** 18/08/2022 - **Institution concerned** European External Action Service (No maladministration found) |

Head of Division

EEAS SG.2 Parliamentary Affairs

Dear Mr X,

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

The complaint concerns the EEAS's refusal to give public access to the document entitled '*UKRAINE – 1 month of war from Kyiv perspective*' [1] . The EEAS refused access relying on the need to protect the public interest as regards defence and military matters and as regards international relations [2] . The complainant considers that, in light of the restriction of fundamental rights and the possible EU accession negotiations with Ukraine, partial access should be granted to the document.

We have decided to open an inquiry into the complaint against the EEAS's decision to refuse to give public access to the document 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 document at issue in the complainant's confirmatory request. I would be grateful if the EEAS could provide a copy of this document, preferably in electronic format through encrypted e-mail, [3] **by 18 May 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.

The EEAS's position has been set out in its confirmatory response to the complainant dated 5 May 2022. However, should the EEAS wish to provide additional views, to be taken into account by the Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, **by 3 June 2022**.

If the EEAS considers that it would be helpful to schedule a meeting between its representatives and the Ombudsman inquiry team to discuss this case, please contact the inquiries officer responsible for the case, Michaela Gehring.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 11/05/2022

[1] Registered under Ares (2022)2230611.

[2] Article 4(1)(a), second and third indent of Regulation 1049/2001.

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