

Decision in the case 345/2022/TM on how the European External Action Service dealt with a request that it disclose information on meetings between an EU mission and a third country

Decision

Case 345/2022/TM - Opened on 02/03/2022 - Decision on 17/06/2022 - Institution concerned European External Action Service (No maladministration found) |

Dear Mr X,

You recently submitted a complaint to the European Ombudsman about how the European External Action Service (EEAS) dealt with your request that it disclose information on meetings between an EU mission and a third country.

The Ombudsman inquiry team contacted the EEAS about: (i) why it dealt with your correspondence as a request for information, rather than a request for access to documents, and (ii) why disclosure of the requested information would undermine international relations.

On 30 March 2022, the EEAS provided the Ombudsman inquiry team with a written reply to its questions, which the EEAS considers to be confidential. In accordance with the rules governing the Ombudsman's work, this means that we cannot share the EEAS' reply with you. [1] However, the EEAS agreed that we could refer to parts of its reply in this decision.

As regards the first question, the EEAS informed the Ombudsman inquiry team that it had dealt with your correspondence as a 'request for information', rather than a 'request for access to documents' because, in your correspondence with it, you asked for information, and not for specific documents. We consider the EEAS's explanations to be reasonable.

As regards the second question, the EEAS explained, in the relevant parts of its reply, that

“ EUPOL COPPS is a technical mission aiming to support development of the Palestinian Police into a modern police force based on the wealth of experience of senior advisors seconded by police services of various EU Member States. The Mission is also active in the wider rule of law area, providing its technical expertise to various Palestinian rule of law actors, including the ministry of justice, ministry of internal affairs, prosecution service or the bar association of professional lawyers. It must be noted that the very ability of the mission to deliver on its



mandate depends on establishing and maintaining good relationships with both its local and international counterparts. It is not a question of convenience but an operational imperative.”

The EEAS also provided the Ombudsman inquiry team with details about the Mission’s interactions with local and international partners .

The EEAS explained to the Ombudsman inquiry team why disclosing the requested information could negatively affect its ability to maintain working relations with the different stakeholders, in a very sensitive political environment. In doing so, it emphasised the importance of preventing a potential distortion of information on the EU activities.

In light of the broad margin of appreciation that the EU institutions have in terms of protecting international relations in the relevant legislation (Regulation 1049/2001) and case law, and in light of the explanations provided to the Ombudsman inquiry team, we consider the EEAS’s position to be reasonable.

Based on the above, we have decided to close this inquiry with the conclusion that **there was no maladministration by the European External Action Service in this case** [2] .

We understand that you may be disappointed by this decision, but we hope that the above explanations are nevertheless helpful.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 17/06/2022

[1] Article 5(8) of Regulation 2021/1163 of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman’s duties (Statute of the European Ombudsman): <https://www.ombudsman.europa.eu/en/legal-basis/statute/en>

[2] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link]