



The European Defence Agency's (EDA) refusal to give public access to the minutes of meetings of its 'expert groups' (EDA ref.: 2022-17-IN)

Correspondence - 13/07/2022

Case 1272/2022/KR - Opened on 13/07/2022 - Decision on 30/01/2023 - Institution concerned European Defence Agency (No maladministration found) |

Dear Ms X,

The European Ombudsman has received a complaint against the European Defence Agency (EDA) about its refusal to give public access to the minutes of meetings of its 'expert groups' in the time period between 1 January 2021 and 8 May 2022.

In its reply, the EDA indicated that it had identified documents relating to 76 expert groups as falling under the scope of the request. The EDA refused access based on the second indent of Article 4(1)(a) (protection of the public interest as regards defence and military matters), the first indent of Article 4(2) (protection of commercial interests), Article 4(1)(b) (protection of privacy and the integrity of the individual) and the first subparagraph of Article 4(3) (protection of the decision-making process) of Regulation 1049/2001. [1]

The complainant argued that the documents in question contain crucial information on EU defence policy and funding, which should be made available to the public. He also said that the public has the right to know how the EU is dealing with the security of citizens and with public funds.

We have decided to open an inquiry into this complaint.

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, it would be helpful to have a meeting with the EDA in which it could provide us with access to a small sample of the documents it identified as falling under the scope of the complainant's request. We would be grateful if the EDA could contact Mr Y who is in charge of this inquiry, to agree on the arrangements for the inspection meeting to take place in September 2022.

The documents subject to the public access request will be treated confidentially, along with



any other material that the EDA 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.

Yours sincerely,

Rosita Hickey

Director of Inquiries

Strasbourg, 13/07/2022

[1] See: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32001R1049> .