



Decyzji w sprawie 1959/2018/MIG dotyczącej odmowy przyznania przez Europejską Służbę Działań Zewnętrznych pełnego dostępu do dokumentów związanych ze światowym panelem ds. technologii

Decyzja

Sprawa 1959/2018/MIG - **Otwarta** 22/11/2018 - **Decyzja z** 18/11/2019 - **Instytucja, której sprawa dotyczy** Europejska Służba Działań Zewnętrznych (Przyjęte rozwiązanie) |

Sprawa dotyczyła odmowy udzielenia przez Europejską Służbę Działań Zewnętrznych (ESDZ) pełnego publicznego dostępu do dokumentów związanych ze światowym panelem ds. technologii. ESDZ wskazała cztery pisma do członków panelu, których dotyczy wniosek.

Rzecznik stwierdziła, że o ile ESDZ jest uprawniona do odmowy pełnego dostępu do tych pism, instytucja usunęła pewne fragmenty w nadmiernym stopniu. W związku z tym Rzecznik przedstawiła propozycję rozwiązania, w którym zwróciła się do ESDZ o przyznanie większego częściowego dostępu, z mniejszym stopniem utajnienia.

ESDZ przyjęła propozycję Rzecznik w sprawie rozwiązania i przyznała skarżącemu zwiększony częściowy dostęp.

Rzecznik zamknęła postępowanie wyjaśniające, przyjmując z zadowoleniem osiągnięte rozwiązanie.

Background to the complaint

1. This case concerned the Global Tech Panel, an initiative of the EU's High Representative for Foreign Affairs and Security Policy bringing together leaders from the worlds of technology, civil society and diplomacy to address global challenges. [1] The Global Tech Panel was launched in 2018 and held its first two meetings in June and September 2018.

2. In September 2018, the complainant, an investigative journalist, asked the European External Action Service (EEAS) to grant him public access to all documents, such as notes or meeting minutes, related to the Global Tech Panel. [2]

3. The EEAS identified four letters as falling within the scope of the complainant's access request, namely two invitation letters and two follow-up letters concerning the panel's first two meetings. It granted the complainant partial access to these letters, redacting parts of them based on the need to protect, amongst other things, its decision-making and the commercial interests of the members of the Global Tech Panel that had attended the meetings. [3]



4. Dissatisfied with the EEAS' refusal to grant full public access, the complainant turned to the Ombudsman in November 2018.

5. The Ombudsman opened an inquiry and inspected the requested documents. She also held a meeting with representatives from the EEAS to obtain further clarification on the reasons for the partial refusal of public access.

The Ombudsman's proposal for a solution

6. The Ombudsman welcomed the substantial partial access to the letters which the EEAS had already granted. However she found that some of the redactions, which the EEAS had made, were not justified. In particular, the Ombudsman considered that the EEAS had applied too restrictively the exemptions that aim to protect its decision-making and the relevant commercial interests.

7. The Ombudsman therefore proposed that the EEAS should further grant the complainant increased partial access to the four letters at issue. [4]

8. The EEAS accepted the Ombudsman's proposal for a solution and granted the complainant increased partial access. It provided the Ombudsman with a less redacted version of the requested documents which the Ombudsman forwarded to the complainant. The Ombudsman gave the complainant the opportunity to comment on the EEAS' response to her proposal for a solution but did not receive any comments from the complainant.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

The Ombudsman welcomes the European External Action Service's decision to accept her proposal for a solution and to grant the complainant increased partial access to the requested documents, in line with the principles set out in her proposal for a solution.

The complainant and the EEAS will be informed of this decision .

Emily O'Reilly

European Ombudsman Strasbourg, 18/11/2019

[1] For further information on the Global Tech Panel, visit

https://eeas.europa.eu/headquarters/headquarters-homepage/50886/about-global-tech-panel_en

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[2] Under Regulation 1049/2001 regarding the access to European Parliament, Council and Commission documents:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN> .

[3] In accordance with Article 4(2) first indent and 4(3) of Regulation 1049/2001.

[4] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's proposal for a solution available at: <https://www.ombudsman.europa.eu/en/solution/en/118357> .