

CHIEF EXECUTIVE

Mr. Chris GAFFNEY

SENT BY EMAIL ONLY

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EDA202204099/CSD/LEG

19 April 2022

Subject: Decision pursuant to Article 7 of the Chief Executive Decision No. 19/09 of 07/06/2019¹ adopting the EDA policy on public access to documents in accordance with the provisions of Regulation 1049/2001.²

Dear Mr Gaffney,

I refer to your email of 29 March 2022 in which you submit a confirmatory application, in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereinafter "Regulation 1049/2001").

1. SCOPE OF YOUR REQUEST

In your initial application of 07 March 2022, registered on 08 March 2022 under reference number 2022/11/IN, you requested access to:

"[...]minutes of all meetings by the EDA and the European Union Military Committee since January [sic] 2020 when the term UAP/UAV/UAP Task Force has been mentioned and or discussed".

In its initial response sent on 14 March 2022, the European Defence Agency (hereinafter "the Agency"), informed you that it does not hold any documents that would correspond to the description given in your application.

¹ <https://eda.europa.eu/who-we-are/transparency/access-to-eda-documents>.

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (JO L 145 du 31.5.2001, p. 43–48).

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In your reply of 29 March 2022, you submit a request for confirmatory application to the Agency. Pursuant to Article 7(2) of EDA Decision No 19/09 of 07/06/2019, decisions on confirmatory applications are made by the EDA Chief Executive.

2. ASSESSMENT AND CONCLUSION UNDER REGULATION 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Agency conducts a fresh review of the initial reply provided.

In our review following your confirmatory application, we have again reached out to colleagues who participate in European Union Military Committee meetings on behalf of EDA in order to examine whether our position communicated to you in our initial reply of 14/03/2022 should be altered.

Following the confirmatory review, I can confirm that the Agency does not have any documents concerning meetings between EDA and the European Union Military Committee in which the term UAP/UAV/UAP Task Force was mentioned and/or discussed.

Consequently, I conclude that, pursuant to Article 2(3) of Regulation 1049/2001 the decision that access cannot be granted to documents not in our possession was correct and is hereby upheld.

3. MEANS OF REDRESS

I would like to draw your attention to the means of redress that are available against this decision concerning public access to documents, that is, judicial proceedings brought before the Court of Justice of the European Union and complaints for maladministration filed with the European Ombudsman under the conditions specified in Articles 263 and 228 of the Treaty of the Functioning of the European Union respectively.

Yours sincerely,


Jiří Šedivý