

## EUROPEAN EXTERNAL ACTION SERVICE



DG Budget and Administration  
The Director-General

Brussels, **29 AOUT 2017**  
eeas.sg.affgen.2 (2017) 4512536

Ms Myriam Douo  
Friends of the Earth Europe  
[ask+request-4161-c63d42f8@asktheeu.org](mailto:ask+request-4161-c63d42f8@asktheeu.org)

*Subject: Your request for access to documents*  
*Our ref: 2017/073*

Dear Ms Douo,

Thank you for your email dated 20 July 2017, which we have examined in the framework of Regulation (EC) No 1049/2001<sup>1</sup>.

Your initial request dated 05 April 2017 was very wide and vague, albeit somehow narrowed down in your message dated 23 May 2017. On this basis, the EEAS has identified the following documents, as referenced hereafter, which were provided to you in our previous correspondence:

1. The EU - Central America Association Agreement;
2. The EU - Central America Political Dialogue and Cooperation Agreement;
3. The Regulation establishing a financing instrument for development cooperation for 2014-2020;
4. The Commission Decisions and Annual Action Plans for Honduras since 2009;
5. The Multiannual Indicative Programme 2014-2020 with Honduras;
6. A Special Report of the European Court of Auditors.

The documents (1) and (2) are the two applicable international agreements between on one hand the EU and its Member States, and on the other hand the Central American countries, including Honduras. You will find in these documents the commitments taken by the parties of the agreements in the field of human rights, among other domains. The document (3) refers to the establishment of the Development Cooperation Instrument (DCI), which is the main financing tool for EU development cooperation in Latin America, and details the general principles governing the DCI, including those related to human rights and the procedures foreseen for the [selection] identification of projects to be financially supported and the examination of inter alia their impact on the environment, on human rights and on sustainable development. The documents (4) encompass all development cooperation programmes which

---

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter the "Regulation").

have been funded in Honduras under the DCI since 2009. The document (5) refers to the development cooperation multiannual indicative programme for Honduras for the period 2014-2020. The document (6) is the European Court of Auditors' special report assessing the effectiveness of the EU development cooperation in Honduras for the period 2007 – 2015.

As requested, I have examined your confirmatory application dated 20 July 2017 and have concluded that the disclosure of VPA-FLEGT (Voluntary Partnership Agreement on Forest Law Enforcement, Governance and Trade) documents would undermine the EU position in the current negotiations and its relations with Honduras. Granting access to documents that reflect a non-settled position, and at a sensitive point of the negotiation, could harm the EU's position and its relations with the country. In order to achieve a successful result, it is essential that the EU keeps a certain level of confidentiality in the negotiating process. Moreover, the development of mining and hydroelectric projects, albeit highly controversial, is a sovereign decision of the State of Honduras. The EEAS and the Commission are not involved in such activities. In any case, the disclosure of possible related EU administration correspondence with the Honduran authorities would represent a breach of trust and due discretion and would undermine the relations between the EU and Honduras and consequently the protection of the public interest as regards international relations.

I have also examined whether partial access could be granted and assessed whether any part of above-mentioned documents would not fall within the exception concerning the protection of the public interest as regards international relations, but concluded that this was not the case. The documents are fully covered by the exception based on the protection of international relations [Article 4(1)(a)3rd indent], and the exception regarding the protection of documents containing opinions for internal use as part of deliberations [Article 4(3)2nd paragraph]. Therefore a partial access to the aforementioned documents is not possible.

In addition, I have noticed that your last email refers to your initial - and broader - request dated 05 April 2017 whereas your confirmatory application is based on your last request dated 23 May 2017 which was subject of our research. Your first request "the correspondence between the EEAS and officials/representatives of the State of Honduras since 2009" related to a very large number of documents. As already proposed in our first reply, we invite you to contact the division in charge of Honduras ([AMERICAS-2@eeas.europa.eu](mailto:AMERICAS-2@eeas.europa.eu)) to schedule a meeting, whereby we can better understand your needs and respond to your questions.

If you are not satisfied with this response you may, in accordance with Article 8 of the Regulation, institute court proceedings against the European External Action Service and/or make a complaint to the Ombudsman, under the conditions laid down in Articles 263 and 228 of the Treaty on the Functioning of the EU respectively.

Yours sincerely,



Gianmarco Di Vita