Subject: Your application for access to documents – EASE 2024/0443

Dear Ms JEGEN,

I refer to your request for access to European Commission documents registered on 25 January 2024 under the above-mentioned reference number.

You request access to documents containing the full list of attendees, the minutes, and any non-disclosed side meetings between EU officials and officials of non-EU states of the International Conference on a Global Alliance to Counter Migrant Smuggling.

The following documents have been identified as falling within the scope of your application:

1. Programme International Conference on a Global Alliance to Counter Migrant Smuggling with the list of speakers - Available online here (hereinafter ‘document 1’).
2. Report International Conference on a Global Alliance to Counter Migrant Smuggling - Ares(2024)2118782 (hereinafter ‘document 2’);
3. List of registered conference attendees (hereinafter ‘document 3’);
4. Recording of President von der Leyen’s key note speech opening the International Conference on a Global Alliance to Counter Migrant Smuggling - Available online here (hereinafter ‘document 4’);
5. Press conference held by European Commissioner for Home Affairs, Ylva Johansson - Available online here (hereinafter ‘document 5’);
6. Commissioner’s endorsement of the Call to Action and the closing session can be accessed Available online here (hereinafter ‘document 6’);
7. Recording of the intervention of the European Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi - Available online here (hereinafter ‘document 7’).

I. Full disclosure

1049/2001’)

I have come to the conclusion that documents 1, 4, 5, 6 and 7 may be fully disclosed and are available online.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents. You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

II. Rejection of public disclosure

Having examined documents 2 and 3 under the provisions of 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 (‘Regulation (EC) 1049/2001’), I regret to inform you that access cannot be granted, as their disclosure is prevented by exception to the right of access laid down in the third indent (protection of international relations) of Article 4(1)(a) and Article 4(1)(b) (protection of privacy and the integrity of the individual) of this Regulation.

Disclosure of document 2 would undermine the protection of the public interest as regards international relations, as it contains sensitive information from the Commission's internal point of view, which has not been verified and confirmed by the Member States and non-EU partner countries present at the Conference.

With regard to document 3, the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, prevents the disclosure of the identified document, as it contains the names and contact information of Commission staff members not pertaining to the senior management and other natural persons.

Article 9(1)(b) of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (2) does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do neither express any particular interest to have access to these personal data, nor put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

III. No documents held

As regards your application for documents which contain information on “any non-disclosed side meetings between EU officials and officials of non-EU states”, I regret to inform you that Directorate-General of Migration and Home Affairs does not hold any documents that would correspond to the description given in your application, since there were no side

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meetings between EU officials and officials of non-EU states in the margins of the International Conference on a Global Alliance to Counter Migrant Smuggling.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by the Commission, I am not in a position to fulfil your request.

IV. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal account (available only for initial requests submitted via the portal account),

or by mail:
European Commission, Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

V. Acknowledgement of receipt

Finally, I note that your request has been submitted outside the EASE portal. Therefore, I would appreciate, if you could acknowledge receipt of the present letter by sending an email to HOME-ACCESS-DOCUMENTS@ec.europa.eu.

Yours sincerely,

Beate GMINDER

(3) https://www.ec.europa.eu/transparency/documents-request