

EUROPEAN EXTERNAL ACTION SERVICE



DG Budget and Administration
The Director-General

Brussels, **12 JUN 2017**
eeas.sg.affgen.2 (2017) 2959688

Mr Arun Dohle
ask+request-4063-774ae0b9@asktheeu.org

Subject: Your request for access to documents
Our ref: 2017/038

Dear Mr Dohle,

Thank you for your email dated 17/5/2017, which we have examined in the framework of Regulation (EC) No 1049/2001¹.

Your confirmatory request relates to the third document which we had identified, an email containing a report from a meeting organised by UNICEF on children legally adopted and detained in the Democratic Republic of Congo, dated 26/11/2015.

As requested, I have examined the decision of 3/5/2017 and came to the following conclusion: As mentioned in our previous reply, the email contains an internal report outlining our understanding of the views expressed by Member States, third countries and representatives of UNICEF in a restricted discussion regarding international adoptions in DRC. Given the nature of the document, a unilateral public disclosure of the email intended to be only for internal reporting purposes, would not be opportune since it would risk harming our relations with the countries that were present as well as our relations with UNICEF and host country. In the interest of transmitting truthful and non-misleading information, public presentation of an actor's position should be in fact made by the actor itself, rather than through an interpretation made by a third party. Since the discussion focussed to a large extent on UNICEF position, it is suggested that you contact UNICEF to enquire about their views on matters of international adoptions in DRC. I therefore came to the conclusion that the email cannot be made publicly available pursuant to Article 4(1)(a) 3rd indent of the Regulation (international relations).

I have also assessed whether any part of document would not fall within the exception concerning the protection of the public interest as regards international relations but concluded that this is not the case. Since almost the whole text is covered by the exception based on the

¹ 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").

protection of international relations [Article 4(1)(a)3rd indent], but also having regard to the exception based on the protection of personal data [Article 4(1)(b)] and the exception regarding the protection of documents containing opinions for internal use as part of deliberations [Article 4(3)2nd paragraph], blacking out those parts of the text would make it completely unreadable. Therefore a partial access to the aforementioned document with sensitive information blacked out is not possible.

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