



EUROPEAN COMMISSION

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**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE  
IMPLEMENTING RULES TO REGULATION (EC) NO 1049/2001<sup>1</sup>**

**Subject: Your confirmatory application for access to documents – GESTDEM  
2020/1632**

Dear Mr Atak,

I am writing in reference to your email of 16 June 2020, registered on 17 June 2020, by which you lodge 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<sup>2</sup> (hereafter ‘Regulation (EC) No 1049/2001’).

Through your initial application of 20 March 2020, you requested access to the following documents for the period 20 June 2016 to 25 July 2017, I quote:’

- a list of all meetings, regarding the crisis in Libya and its neighbourhood (including its migration, humanitarian and Mediterranean search & rescue aspects) held by the Humanitarian Aid and Civil Protection with NGOs. The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;
- all minutes and other reports of these meetings;
- all correspondence, including attachments (i.e. any emails, correspondence or telephone call notes) regarding these encounters. An example would be the invitation to attend these meetings/events or any follow-up correspondence; and

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<sup>1</sup> Official Journal L 345, 29.12.2001, p. 94.

<sup>2</sup> Official Journal L145, 31.05.2001, p. 43.

- all documents prepared for the purpose of the meeting and/or exchanged during the course of the meeting. An example would be the programmes for those events, lists of attendees, or any documents NGOs might have prepared and distributed to attendees.’

Your initial application was attributed to the Directorate-General for European Civil Protection and Humanitarian Aid Operations.

As you did not receive the reply from the Directorate-General for European Civil Protection and Humanitarian Aid Operations within the statutory time limits, you submitted a confirmatory application on 16 June 2020.

Having assessed your request, I can inform you that the Commission does not hold any documents that would correspond to the description given in your application.

The meetings where the Directorate-General for European Civil Protection and Humanitarian Aid Operations discusses Libya and which are held in the headquarters<sup>3</sup> are led by the European External Action Service, which is responsible for drafting the meeting minutes. Also, most of the meetings on the ground (previously in Tripoli, today in Tunis) are led by the European External Action Service or the UN Humanitarian Coordinator, who are responsible for drafting the meeting minutes. You might consider submitting a request for access to documents with these institutions.

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 the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Even though not directly related to documents requested in your initial application, I would like to provide you information concerning the types of meetings organised by the Directorate-General for European Civil Protection and Humanitarian Aid Operations and where you can find more information on them. These meetings are of triple nature:

- i. annual/biannual presentations of the Humanitarian Plans on Libya and their eventual revision/reinforcements. The Directorate-General for European Civil Protection and Humanitarian Aid Operations holds specific meetings with the NGOs to inform them about its financing decisions for humanitarian assistance in crisis areas (Humanitarian Implementation Plans).

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<sup>3</sup> In this context, ‘headquarters’ refers to Brussels (as opposed to the meetings held on the ground in third countries).

You can find more information on the Humanitarian Implementation Plans for Libya on the following link:

[https://ec.europa.eu/echo/sites/echo-site/files/hip\\_north\\_africa\\_2017\\_modification\\_2\\_-\\_version\\_3.pdf](https://ec.europa.eu/echo/sites/echo-site/files/hip_north_africa_2017_modification_2_-_version_3.pdf)

Information on the next consultations will be available on the following link:

[https://ec.europa.eu/echo/funding-evaluations/funding-for-humanitarian-aid/consultations-partners-financing-decisions\\_en](https://ec.europa.eu/echo/funding-evaluations/funding-for-humanitarian-aid/consultations-partners-financing-decisions_en)

- ii. bilateral meetings linked to the set up and management of humanitarian projects. To apply for EU humanitarian funding, organisations need to sign a partnership agreement with the European Commission. More information on becoming a partner can be found on the following link:

[https://ec.europa.eu/echo/partnerships/humanitarian-partners\\_en](https://ec.europa.eu/echo/partnerships/humanitarian-partners_en)

- iii. meetings linked to negotiation and information on humanitarian advocacy, access and respect of International Humanitarian Law. You can find more information on the following link:

[https://ec.europa.eu/echo/what/humanitarian-aid/international-humanitarian-law\\_en](https://ec.europa.eu/echo/what/humanitarian-aid/international-humanitarian-law_en)

Furthermore, the European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations works in close partnership with a large number of humanitarian organisations. With some of the biggest partners, it regularly engages in 'Strategic Dialogue' meetings. Strategic Dialogue meetings are held with UN partner organisations (UN Refugee Agency, World Food Programme, UNICEF), International organisations (International Committee of the Red Cross) and with VOICE (Voluntary Organisations in Cooperation in Emergencies). You can find more information on [https://ec.europa.eu/echo/partnerships/relations/strategic-dialogues\\_en](https://ec.europa.eu/echo/partnerships/relations/strategic-dialogues_en)

Finally, if you wish to learn more about operations in Libya led by the Directorate-General for European Civil Protection and Humanitarian Aid Operations, feel free to contact Ms Patrice Lenormand via e-mail [Patrice.LENORMAND@ec.europa.eu](mailto:Patrice.LENORMAND@ec.europa.eu) or via phone on +32 229-94709.

Yours sincerely,



*For the Commission*  
*Ilze JUHANSONE*  
*Secretary-General*