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**AFFGEN.2**  
**Head of Division**

Brussels, 06 August 2020  
eeas.sg.affgen.2 (2020)3638158

Mr Peter Teunissen

*Subject: Your request for access to documents of 2 May 2020*  
*Our ref: 2020/031*

Dear Mr Teunissen,

Thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001<sup>1</sup>.

Your request referred to:

- minutes and other reports of meetings between EEAS officials and representatives of non-EU-countries in which the issue(s) of readmission and return operations from Greece and Spain to third-countries have been discussed in the period between January 2015 and this day;
- all correspondence (including emails) between EEAS officials and representatives of non-EU-countries in which the issue(s) of readmission and return operations from Greece and Spain to third-countries have been discussed in the period between January 2015 and this day.

Please note that that the EEAS is, in general, not involved in exchanges concerning specific return operations from EU Member States, but only in discussions on general policy matters concerning readmission, as part of the EU's general foreign relations. Primary responsibility for the area of return and readmission within the EU institutions pertains to the Directorate-General for Migration and Home Affairs of the European Commission.

After a search in the EEAS filing systems, document management databases and archives, the EEAS has identified the following document matching your request, as referenced hereafter:

- Note Verbal of 23 April 2020 from the EU Delegation to Afghanistan to the Ministry of Foreign Affairs of the Islamic Republic of Afghanistan concerning the programme

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<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").

“Implementation of assisted voluntary returns including reintegration measures and operation of an Open Centre in the prefecture of Attica for Applicants of voluntary return”.

This document contains information and details on the concrete application, in the context of the current Covid-19 pandemic, of activities in the area of return of Afghan citizens under a programme implemented by the International Organisation for Migration (IOM) with EU co-funding under the responsibility of DG HOME.

The European Union strives to ensure well-managed migration through a comprehensive migration policy with regard to third countries. This policy includes addressing drivers of migration and root causes of irregular migration, fighting smuggling and trafficking and ensuring safe legal pathways. In this context, the return and readmission of persons who have no right to reside legally in the European Union is one important aspect. The EU continues to seek increased cooperation with third countries in this area, such as Afghanistan, including by negotiating readmission agreements or other types of arrangements.

Building constructive relations with a third country in the area of migration is based on the understanding of mutual interests, trust and open exchange. Return and readmission remain a very sensitive matter in the relations between the EU and third countries, not the least with regard to the internal political debate. This has also been the case for Afghanistan, where good cooperation on all migration related matters exists, based on constructive and trustful cooperation and dialogue between the different actors. Releasing a document on the IOM return programme mentioned above, which was addressed to the Government of Afghanistan in confidence, would be negatively perceived by the Afghan authorities, in particular under the impact of the current Covid-19 pandemic in the country. It bears the risk of triggering a highly negative public debate about this subject in Afghanistan, which in turn could have a negative impact on the trust of the Afghan government with regard to the cooperation on migration issues with the EU.

Disclosure would not only harm the potential implementation of the programme, but also current and future relations with Afghanistan in the area of migration to the detriment of all actors. In particular, in the light of the upcoming review of the *Joint Way Forward* with Afghanistan, the general framework in which cooperation on migration and readmission issues is currently taking place, it is highly important not to put at risk the level of confidence that both sides are enjoying in their discussions and dealings. Disclosure would not only hamper the EU’s political relations with Afghanistan, but also reduce substantially any room of manoeuvre for future negotiations. Therefore, I regret to inform you that we are not in a position to disclose this document at this point in time, neither as a whole nor partially, since it could seriously undermine the protection of international relations (as per Article 4(1) (a), 3<sup>rd</sup> indent, of the Regulation 1049/2001).

Should you wish this position to be reviewed, you may confirm your initial request within 15 working days.

Yours sincerely,

(e-signed)

Gabriele Visentin