



EUROPEAN COMMISSION
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

The Director-General

Brussels, 04 FEB 2019

By registered letter

Subject: Your application for access to documents – Ref GestDem No 2018/6744

Dear Ms Crescini,

I refer to your application dated 13 December 2018¹ in which you make a request for access to:

"documents which contain the following information concerning the activities that are being implemented by the International Organisation for Migration (IOM) within the project "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya", which is funded through the EU Trust Fund.

In particular, (...) documents including the following information:

- *number of individuals assisted through the project*
- *details on sex, age, movements and multi-sectoral needs of vulnerable migrants assisted*
- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding confidentiality (i.e. whether and how is the obligation to hide sensible data respected)*
- *number of interventions carried out throughout the implementation of the project*
- *number of monitoring reports drafted*

¹ Ref. Ares(2018)6431798

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- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding the repatriation procedure from Libya to other countries, including the assessment of the voluntary nature of the repatriation (e.g. whether the information regarding the repatriation procedure are provided in any language that each beneficiary can understand; whether interpreters and/or mediators participate in the assessment; whether the will to participate in the procedure is expressed in written form; etc.)*
- *number of individuals repatriated*
- *statistics on the countries where individuals have been repatriated to*
- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding concrete safeguards in case of repatriation of unaccompanied minors (UAMs) or migrants with special medical needs*
- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding pre departure counseling interviews*
- *details on fit-to-travel checks*
- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding IOM's involvement in the issuance and/or replacement of missing, lost or expired travel documents*
- *text of any agreements concluded by IOM with countries of destination of the repatriation procedure*
- *text of any protocols concluded by IOM with countries of destination of the repatriation procedure*
- *IOM's guidelines, implementation plans or documents (however named or referred to) regarding IOM's activities within the migrant's country of origin, including its involvement in facilitating onward transportation to the final destination*
- *text of the Convention concluded by the European Commission with IOM*
- *text of any Protocols additional to the Convention concluded by the European Commission with IOM".*

The following documents have been identified as containing the information requested under the description provided in your application:

1. 5th Quarterly report to the European Union, EU-IOM Joint Initiative on Migrant Protection and Reintegration: Libya, EU Emergency Trust Fund for Africa – North Africa window, 1 May 2018 – 31 July 2018;
2. PowerPoint presentation: Protecting vulnerable migrants and stabilising communities in Libya, EUTF-IOM Joint initiative for migrants' protection and reintegration;

3. The public links to the two Action Documents through which the European Union finances this specific project:

https://ec.europa.eu/trustfundforafrica/region/north-africa/libya/managing-mixed-migration-flows-libya-through-expanding-protection-space_en

https://ec.europa.eu/trustfundforafrica/region/north-africa/libya/supporting-protection-and-humanitarian-repatriation-and-reintegration_en

4. The dedicated website covering the European Union – IOM Initiative which covers IOM programmes financed under the EU Emergency trust Fund for Africa across Africa and which offers a large variety of topics and information:
<http://migrationjointinitiative.org/>

For further information and documents related to the project “*Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya*”, I invite you to contact directly the International Organisation for Migration.

Following an examination of the first two documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents² and taking into account the outcome of the third party consulted – the International Organisation for Migration (author of the documents), I regret to inform you that access to these documents cannot be granted, as disclosure is prevented by the exception to the right of access laid down in Article 4(1)(a), first indent (protection of the public interest as regards public security), of Regulation (EC) No 1049/2001.

1. Protection of the public interest as regards public security

Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001 provides that “*The institutions shall refuse access to a document where disclosure would undermine the protection of [...] the public interest as regards [...] public security*”.

The two documents produced by the International Organisation for Migration contain detailed information related to effectiveness and weaknesses of border security, immigration flows and migration routes, *modus operandi* of irregular migrants and information on vulnerable migrants and safe shelters. Disclosure of such information would harm the effectiveness of future border controls and fight against irregular migration and would facilitate performance of illegal activities such as human trafficking.

Therefore, disclosure of these documents would undermine the protection of the public interest as regards public security protected by Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001, and access has to be refused on that basis.

2. Partial access

We have considered whether partial access could be granted to the documents to which access is refused but this was deemed impossible as the sensitive elements are integral to it. Please note that we cannot provide you with more detailed information on these documents

² 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, Official Journal L 145 of 31 May 2001, p. 43.

without disclosing their substance which is protected by the quoted exception laid down in Article 4 (1)(a), first indent, of Regulation (EC) No 1049/2001.

3. 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 its position. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG.C.1
CHAR 03/003
B-1049 Bruxelles/Brussel

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

Yours sincerely,

[e-signed]
Christian Danielsson