



SG.LD.ATD
Access to Documents Coordinator

Brussels, 29 April 2024
eeas.sg.ld (2024) 1319132

To
Mr Paolo Riva
by electronic mail

*Subject: Your requests for access to documents of 14 February 2024 and 20 February 2024
EEAS reference: 2024/035 and 2024/049*

Dear Mr Riva,

I would like to thank you for your requests for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.¹

Following your applications, we have searched in the EEAS filing systems and document management databases for:

1. *“All internal communication including internal and external emails (including but not limited to protocols, minutes or any other written notes) between the Delegation of the European Union to Tunisia and the EEAS headquarter in Brussels and the EU Commission in Brussels related to migration and/or border management in Tunisia between 3rd July 2023 and 30th September 2023.”*
2. *“All Internal communication including internal and external emails (including but not limited to protocols, minutes or any other written notes) related to migration from Tunisia, migrants arrivals through the Central Mediterranean route and/or border management with Tunisia between two or more of the following parties: the Delegation of the European Union to Tunisia, the EEAS headquarter in Brussels, and the EU Commission in Brussels and the Italian Government between 10th and 20th September 2023”*

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, of 31.5.2001, p. 43, hereafter the "Regulation"), as applied by the EEAS pursuant to Article 11(1) of the Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, of 3.8.2010, p. 30).

After this search, the EEAS has identified the following documents matching your application, as referenced hereafter:

1. (irregular) Migration crisis EU-Del flash update #1 18-9-2023 (document 1);
2. (irregular) Migration crisis EU-Del flash update #2 20-9-2023 (document 2);
3. (irregular) Migration crisis EU-Del flash update #4 25-9-2023 (document 3);
4. (irregular) Migration crisis EU-Del flash update #5 28-9-2023 (document 4);
5. 230714_Tunisia Political Report - 23 June-14 July (document 5);
6. 230808_Migrants Situation Update – August 2023 (document 6);
7. 230829_Tunisia Political Report - August 2023 (document 7);
8. 230918_Tunisia Political Report - 4-18 September (document 8).

Following an examination of the identified documents, I decided to grant you partial access to documents 1 to 8, which are forwarded to you in redacted version in attachment to this letter. Redactions have been made to those parts of the documents the disclosure of which would undermine the public interest as regards international relations and the decision making process of the institution, as well as the privacy and integrity of the individual, as per Article 4(1)(a), third indent, 4(1)(b) and Article 4(3), first sub-paragraph, of the Regulation. Please note that additional redactions have been made to sections of the reports that fall outside the scope of your request as they are related to topics other than migration and border management.

Concerning the protection of the public interest as regards international relations, the parts of the documents to which access is not granted contain information on the EEAS assessment of the capabilities of non-EU countries (including notably Tunisian authorities) and international organisations such as UN agencies mentioned, as well as information and assessments provided by other international partners in confidence to the EU. In addition access is not granted to EEAS preliminary political assessment of decisions and actions carried out by non-EU countries mentioned in the reports.

Revealing information unofficially provided by non-EU countries to the EU, as well as information not yet made public by UN agencies concerning their planned actions and activities, would seriously compromise the climate of trust and cooperation between the EU and its international partners as regards the matters at stake. Moreover, the disclosure of preliminary political assessments of actions undertaken by the non-EU countries involved, including notably Tunisia, would be negatively perceived by international actors and compromise the EU and Member States relevant diplomatic relations with them. As a consequence, the EEAS considers that the full disclosure to the general public of documents 1 to 8 would pose a concrete risk to the EU international relations, as per Article 4(1)(a), third indent, of the Regulation.

As regards the protection of institution decision making process, as per Article 4(3), first sub-paragraph, of the Regulation the identified documents contain information on planned activities, such as potential EU funded projects, as well as options for the EU action in response to the matter at stake and in its cooperation with non-EU countries and UN agencies mentioned in the reports. The disclosure of this information to the general public could undermine the institution decision-making process as it would reveal strategic options and approaches of the EEAS and Commission services involved, as well as expose the latter to potential pressure of external actors regarding decision that are still to be taken.

As regards the protection of personal data and integrity of the individual, redactions have been made with regards to the names of EEAS and Commission staff members who do not fall within the category of Senior Management, as to protect their privacy and integrity in line with Article 4(1)(b), of the Regulation.

I take this opportunity to remind you that the redacted version of documents 1 to 8 provided to you may be reused under condition that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the EEAS does not assume liability stemming from the reuse. In case of doubt on reuse please do contact the EEAS for prior authorisation.

I wish to conclude by informing you that no documents have been identified as regards possible correspondence with the Italian Government, as mentioned in your request for access to documents with reference 2024/049. As specified in Article 2(3) of the Regulation, 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 EEAS, we are not in a position to fulfil this point of your request.

Should you wish this position to be reviewed, you may make a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation.

Yours sincerely,

[e-signed]

Ludovic Promelle