



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels, 21 May 2021

***By registered letter with
acknowledgment of receipt:***

Luisa Izuzquiza
Open Knowledge Foundation
Deutschland e.V.
Singerstr. 109
10179 Berlin, Germany

Advance copy by email :
l.izuzquiza.rwnuc96fpc@fragdenstaat.de

Subject: Your application for access to documents – GESTDEM 2021/1980

Dear Ms Izuzquiza,

We refer to your email in which you make a request for access to documents, registered on 30 March 2021 under the above-mentioned reference number.

You request access to:

1. With regards to the “Establishment of Steering Committee on Migration Management (SCMM)” [1]:

- all documents regarding or detailing the “task allocation functions”, as well as all documents regarding or detailing the “list of contact points at adequate level established”.

2. For every weekly SCMM core meeting, as of November 2020 [2]:

- all agendas;
- any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc., that would provide a record of the proceedings - and outcomes - of the meetings; and
- all documents prepared or received by DG Home for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).

3. For every monthly SCMM extended meeting [3]:

- all agendas;
- any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc., that would provide a record of the proceedings of the meetings; and
- all documents prepared or received by DG Home for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).

4. For every Lesvos Coordination Group (LCG) meeting, as of November 2020 [4]:
 - all agendas;
 - any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc, that would provide a record of the proceedings of the meetings;
 - all “approved operational conclusions”; and
 - all documents prepared or received by DG Home for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).
5. For every Roundtable meeting with regional and local authorities, as of October 2020 [5]:
 - all agendas;
 - any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc, that would provide a record of the proceedings of the meetings; and
 - all documents prepared or received by DG Home for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).
6. For every operational stocktaking meeting, as of November 2020 [6]:
 - all agendas;
 - any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc, that would provide a record of the proceedings of the meetings; and
 - all documents prepared or received by DG Home for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).
7. Regarding the review of the state of implementation of the Joint Pilot at the central level, though the SCMM [7]:
 - all documents regarding, detailing, or produced as an outcome of this review process, including – but not limited to – the (or different updated versions of the) “complete overview table with task allocation and set of indicators”.
8. Regarding the EURTF Safety and Security Working Group [8]:
 - a list of all members of the Working Group (permanent, temporary and advisory), including their institutional and departmental affiliations;
 - for each and any “visit the new MPRIC on recurrent basis”: all documents – including, but not limited to, reports, assessments, notes, briefings, analysis, studies, papers or non-papers, and any annexes – created or held by the Working Group regarding, related to, or produced as an outcome these visits.
9. The “stakeholders’ strategy to be developed jointly by the Greek government and the Taskforce by December 2020” [9], including all relevant annexes.
10. The Greek Ministerial Decision regarding the “Appointment of appropriately trained MPRIC manager and deputy MPRIC manager, GAS manager and HP chief officer” [10].

Concerning point [1], following the establishment of the Task Force and in cooperation with all the relevant Greek authorities, a list of participants was elaborated which is kept

updated as needed. The list includes representatives from the relevant Commission services, from the relevant national authorities and services, as well as representatives of the main International Organisations active in Greece. The mentioned list is an excel table and is considered an operational document which is not registered. The disclosure of the identified document is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, as it contains the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person under the form of email addresses.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Concerning point [2], the coordination meetings between the Task Force and the Ministry of Migration and Asylum are held regularly, on weekly or ad hoc basis as needed. These regular meetings are purely operational and do not have formal agendas and minutes. When necessary, internal e-mails with follow up actions are shared with the relevant participants/services.

Concerning point [3], the monthly Steering Committee meetings on Migration Management, the following documents could be identified:

- Document 1: 1st Steering Committee Migration Management - Minutes, Ares(2021)1476158
- Document 2: 2nd Steering Committee Migration Management - Agenda, Ares(2021)2865557
- Document 3: 2nd Steering Committee Migration Management – Minutes, Ares(2021)2863794
- Document 4: 3rd Steering Committee Migration Management – Agenda, Ares(2021)2865651
- Document 5: 3rd Steering Committee Migration Management – Minutes, Ares(2021)1476227
- Document 6: 4th Steering Committee Migration Management – Agenda, Ares(2021)2865708
- Document 7: 4th Steering Committee Migration Management – Minutes, Ares(2021)2865331
- Document 8: 5th Steering Committee Migration Management – Agenda, Ares(2021)2871712

- Document 9: 5th Steering Committee Migration Management – Minutes, Ares(2021)2204399
- Document 10: 6th Steering Committee Migration Management – Agenda, Ares(2021)2871919
- Document 11: 6th Steering Committee Migration Management – Minutes, Ares(2021)3366959

Concerning point [4], the Lesvos Coordination Group is in practice a flexible coordination mechanism that is organised by the Task Force local representative, in cooperation with the Greek authorities and other actors involved on the ground. This coordination mechanism ensures continuous bilateral and multilateral contacts, and regular meetings. Meetings do not have formal agendas, as they deal with daily work and operational issues in the temporary Mavrovouni facility. There are no general minutes. The results of the contacts and meetings are usually shared in the form of action points, addressed to specific participants, or groups of participants. This organic organisation form has proven the best way to maintain the necessary flexibility and respond to issues arising on a daily basis.

The various actors that are actively providing services for and with the camp residents (many of the projects involve community members on a fully voluntary basis; some are even mostly driven by community) have organised in groups such as the “shelter group”, the “hygiene working group” and the “WASH group” to organise and coordinate the ongoing projects and activities. The Task Force participates actively in these groups. In addition, there are coordination structures such as the “Health working group” under the responsibility of the Greek health service EODY and the “education working group” led by Unicef, in which the Task Force is also closely involved. However, keeping minutes of these dedicated thematic groups is not part of the responsibilities of the Task Force.

Finally, there is also a coordination structure particularly focused on site coordination, with all actors concerned by the physical alterations in the camp due to the ongoing building projects, with central responsibility by the Greek Ministry for Migration (MoMA), and its technical service, together with the Task Force. This structure is purely operational and focuses on the daily site coordination; therefore, DG HOME is not holding any relevant documents.

In all these groups, the local Reception and Identification Centre (RIC) Management is always involved.

Concerning point [5], information on the meetings with the regional and local authorities and point [6], operational stocktaking meetings, the said meetings take place during the regular visits of the Task Force on the ground. The following documents could be identified:

- Document 12: Report of visit to Lesvos on 15 September 2020, with reference Ares(2021)600717, which includes photos as annexes.
- Document 13: Mission report 20-21 October 2020, Ares(2021)600777
- Document 14: Flash report of TF mission – 10-13 November 2020, Ares(2021)600833
- Document 15: Mission on Lesvos Flash report (30 November 2020), Ares(2021)850108, which includes photos
- Document 16: TF Mission report 18-22 January and photos, Ares(2021)903147
- Document 17: TF mission report 22-26 February 2021 – Athens and Lesvos, Ares(2021)1628499

- Document 18: Task Force mission report – March 2021, Ares(2021)2829918

Concerning point [7], the state of implementation of the Joint Pilot at central level is described in the minutes of the Monthly Steering Committee meetings, which are provided under point [3].

Concerning point [8], the EURTF Safety and Security working group, the following document could be identified:

- Document 19: Minutes of the 71st EURTF meeting, 04/02//2020, Ares(2021)3404925

This document is fully released with exception of protection of personal data (see below). It contains paragraphs, which are out of the scope of your request and therefore they are appearing as redacted in the released document.

Concerning point [9], the “stakeholders” strategy is currently under preparation. Priority focus has been given on making operational progress with the different stakeholders on the ground, through the roundtable meetings with local and regional authorities under [5] and the coordination meetings through the Lesvos Coordination Group under [4]. No further documents could be identified.

Concerning point [10], the nomination of the MPRIC managers and other managerial posts, DG HOME is not aware of the phase of the procedure for the selection of the MPRIC managers and is not holding any relevant document. The documents relating to the recent nomination of the Head of the Asylum Office or the appointment of the Head of the Hellenic Police could be requested to the Greek authorities.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that the above mentioned documents may be partially disclosed. Some parts of the each document have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(a), first, third and four indent of this Regulation (protection of public interest as regards public security, international relations and financial and economic policy of a Member State), as well as Article 4(1)(b) of the Regulation (protection of personal data). In addition, the exception to the right of access laid down in Article 4(3), first paragraph (protection of an on-going decision making process) is applicable.

Exceptions to the right of access under Article 4(1)(a), first, third and four indent, and Article 4(3), first paragraph

The protection of the documents under exceptions to the right of access laid down in Article 4(1)(a), first, third and four indent and Article 4(3), first paragraph is justified by the fact that the reports contains sensitive information on the ongoing procedures for the establishment of the new Multi-Purpose Reception and Identification Center (MPRIC) on Lesvos. The disclosure of these parts of the reports would undermine the protection of the public interest as regard public security and international relations, as well as the financial and economic policy making of the Greek Authorities.

As already explained, the disclosure of some parts all the above-mentioned identified documents would undermine public security and international relations. They would also seriously undermine the on-going decision-making processes both at national level (Greek authorities) and at Commission level. More precisely, the process of the selection of a

location for the construction of the new MPRIC has been extremely difficult and sensitive. The disclosure of information linked to the selection procedure, as well as information regarding the relevant ongoing procedures until the launch of the construction works would risk generating a negative impact on public security and could prejudice the ongoing decision-making and the work of the national authorities and of the Commission. Serious efforts are made on the ground, both by the Commission and the Greek authorities in order to reach a consensus with the local population and the local authorities and to proceed with the construction of the new MPRIC on Lesbos within the foreseen timeframe. In addition, the disclosure of these parts of the documents would seriously undermine the mutual trust between the Commission and the Greek authorities, at central and local level, involved in this decision making process, and would jeopardise the effectiveness of future missions and the timely launch of the construction works of the new MPRIC on Lesbos.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. We observe that you have not provided any arguments to support any pressing need for the public to obtain access to the documents. We have also examined whether there could be an overriding public interest in disclosure, but for the reasons explained above and in view of the sensitivity of the elements contained in the report, we have not been able to identify such an interest.

Please note that the power point presentations originating from the Greek authorities and parts of these presentations incorporated in the above-mentioned Document 8 could not be disclosed following the negative reply received by the concerned services (Ares(2021) 3809483).

Exception to the right of access under Article 4(1)(b) of the Regulation (protection of personal data)

With regard to the documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to an identified or identifiable natural person under the form of photographs.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned. Therefore, the parts of the documents falling under the above exception have not been included and annexes and

photos were deleted when they included information falling under the above mentioned exception.

Disclaimer

These documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Home Affairs and Migration. These documents do not reflect the position of the Commission and cannot be quoted as such.

In addition, the documents referring to minutes of meetings were drawn up under the responsibility of the Task Force of the Directorate-General for Home Affairs and Migration for internal use or with a view of being shared only with the participants of the meeting in question. These documents solely reflect the Task Force interpretation of the interventions made and do not set out any official position of the third parties to which the minutes refer, which were not consulted on its content. These documents do not reflect the position of the Commission and cannot be quoted as such.

Similarly, the mission reports were produced, by the author, and released for internal use purposes, aiming to raise a situational awareness and to present personal appreciations of the situation on the ground. Part of the reports relate directly to ongoing decision-making processes of the Commission and these risk to be seriously undermined by any disclosure. Moreover, some of the photos annexed to the reports cannot be disclosed in accordance with the legislation regarding protection of personal data and as to protect the privacy and integrity of these individuals.

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 this 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
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-signed)
Monique PARIAT