



Ms Simona Stinga
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Strasbourg, 18/01/2024

Subject: Request for public access to documents held by the EU Border Assistance Mission in Libya (EUBAM)

Dear Ms Stinga,

I am writing to you in relation to a complaint we have received concerning a request for public access to documents submitted to the EU Border Assistance Mission in Libya (EUBAM).

In his request dated 15 September 2023, the applicant asked for access to a maritime operations manual that the EUBAM seems to have prepared at the request of the Libyan Coast Guard and to related documents. The request can be found on the website *Fragdenstaat*.¹

We have informed the applicant that the European Ombudsman has no specific mandate over CSDP missions and operations² and that we therefore cannot deal with his complaint.

That said, within the scope of a previous inquiry with the EEAS³, the Ombudsman very much welcomed the initiative of EUNAVFOR Med Operation Sophia to develop a policy for dealing with public access requests (given that CSDP missions and operations are not bound by the EU legislation on public access to documents, that is, Regulation 1049/2001). In the context of that inquiry, the Ombudsman suggested to the EEAS that it

¹ <https://fragdenstaat.de/anfrage/handbuch-zur-durchfuehrung-von-such-rettungs-und-strafverfolgungsoperationen-fuer-die-kuerstenwache-in-libyen/>.

² Decision in case 935/2018/EA on the handling of requests for public access to EUNAVFOR Med Operation Sophia's documents, available at: <https://www.ombudsman.europa.eu/en/decision/en/116931>.

³ See footnote 2.

“should communicate Operation Sophia’s draft policy on dealing with requests for public access to documents to other civilian and military missions and operations and encourage them to adopt similar rules.”

According to the follow-up replies the Ombudsman received from the EEAS on 26 April 2022 and 23 February 2023, a Standard Operating Procedure (SOP) on public access to documents has in the meantime been adopted by *all* CSDP civilian missions and is being used by them.

Whilst we could not find relevant material on the EUBAM’s website, we presume that the EUBAM has adopted a corresponding policy, given the information provided by the EEAS.

In light of all this, it would be helpful if the EEAS could inform the EUBAM about the request for public access to documents at issue so that it can provide a reply.

In addition, we would appreciate it if the EEAS could encourage the EUBAM to publish their SOP and/or related information on their website so as to inform possible applicants about their rules on public access to documents and about how access requests to the EUBAM can be made.

I remain at your disposal in case of any questions.

Yours sincerely,



Rosita Hickey
Director of Inquiries

Enclosure: Complaint dated 26 December 2023 from [REDACTED]

CC: [REDACTED]