

**EU UNCLASSIFIED**

*Releasable to the public*



# **European Union Force in Bosnia and Herzegovina**

-

## **Operation ALTHEA**

### **Standard Operating Procedure (SOP) on Public Access to Documents**

**EU Headquarters at SHAPE, Mons  
September 2022**



### **1. Purpose**

The purpose of this policy is to define the principles, conditions and limits for the public access to documents in the European Union Force in Bosnia and Herzegovina (BiH), Operation ALTHEA (hereinafter "EUFOR ALTHEA").

### **2. Legal Framework**

- a. The principles which are applicable to the public access to documents in EUFOR ALTHEA are, by analogy<sup>1</sup>, those which stem from the legal framework applicable to the EU institutions:
1. Article 42 of the Charter of the Fundamental Rights of the European Union: *"Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies and offices and agencies of the Union, whatever their medium";*
  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* (hereinafter, Regulation (EC) No 1049/2001)<sup>2</sup>.
  3. *Decision of the High Representative of the Union of Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents (2011/C 243/08)*<sup>3</sup>.

### **3. Scope**

Any citizen of the Union, or any natural or legal person residing or having its registered office in a Member State, has a right of access to the Mission's documents, consistent with the principles, conditions and limits laid down in Regulation 1049/2001 and, in accordance with the specific provisions laid down in this policy. This right of access concerns documents held by the Mission, namely, documents drawn up or received by it and in its possession.

In order to ensure a right of access commensurate to that under the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents (2011/C 243/08), any natural or legal person not residing, or not having their registered office, in one of the Member States enjoys the right of access to the

---

<sup>1</sup> EUFOR ALTHEA is established by the Council with Council Joint Action 2004/570/CSFP of 12 July 2004 and is thus as a military mission not an EU-body, therefore the legal framework for public access to documents applicable to EU institutions (i.e. Regulation (EC) No 1049/2001) does not directly apply to EUFOR ALTHEA.

<sup>2</sup> OJ L 145, 31.5.2001, p. 43

<sup>3</sup> OJ C 243, 20.8.2011, p. 16



## **EU UNCLASSIFIED**

*Releasable to the public*

Mission documents, referred to in paragraph 2. in accordance with the same principles, conditions and limits.

### **4. Making an application**

An application for access to EUFOR ALTHEA document shall be sent by post or by e-mail to the Mission (Spokesperson and Legal Advisor) as follow:

Postal address: Camp BUTMIR Sarajevo, 71210 Ilidza, Bosnia and Herzegovina

E-mail: [eufor.pio@eufor.europa.eu](mailto:eufor.pio@eufor.europa.eu) (for Spokesperson) + [legad@eufor.europa.eu](mailto:legad@eufor.europa.eu) (for Legal Advisor)

As soon as the application is registered, an acknowledgement of receipt shall be sent to the applicant.

### **5. Time limits**

EUFOR ALTHEA shall answer initial and confirmatory applications within 15 working days of the date of registration of the application.

If an application is imprecise or unclear, EUFOR ALTHEA will invite the applicant to provide additional information to make it possible to identify the documents requested. In this case the deadline for reply will run only from the time when EUFOR ALTHEA has received this additional information.

In the following exceptional cases the deadlines may be extended by 15 working days:

- a) in the case of complex or bulky applications;
- b) if consultation of a third party is required.

The applicant shall be informed of any such extension and of the reasons for it.

### **6. Negative response**

If the answer to an application is even partly negative, it must state the reasons for the refusal based on one of the exceptions set out in Regulation 1049/2001<sup>4</sup>, and inform the applicant of his right to submit a confirmatory application (in the case of an answer to an initial application).

---

<sup>4</sup> Pursuant to Art 4 access shall be refused "to a document where disclosure would undermine the protection of: (a) the public interest as regards: public security, defence and military matters, international relations, the financial, monetary or economic policy of the Community or a Member State; (b) privacy and the integrity of the individual,.....2...would undermine the protection of: commercial interests of a natural or legal person, including

## **EU UNCLASSIFIED**

*Releasable to the public*



If a document has been transmitted to a third party and is no longer held, the Mission must inform the applicant of the transmission, thereby allowing the latter to redirect their enquiry.

### **7. Handling of replies**

Answers to initial applications is handled by the Spokesperson holding the most relevant position to reply to the request, on the advice of the Legal Advisor and Political Advisor as needed.

Answers to confirmatory applications shall be decided by the Force Commander, upon the advice of the Legal Advisor and Political Advisor.

### **8. Third party documents held by EUFOR ALTHEA**

Where EUFOR ALTHEA receives an application for a document which it holds, but which originates from a third party, the third party must be consulted unless it is clear that the document should or should not be disclosed, in light of the exceptions set out in the Regulation 1049/2001.

The application will be granted without consultation of the third party if the document has already been made public by its originator.

### **9. Classified documents**

Where an application for access to a document concerns EU classified information (EUCI) within the meaning of Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU)<sup>5</sup>, it must be handled only by officials entitled to acquaint themselves with the document.

Reasons must be given on the basis of the exceptions listed in Article 4 of the Regulation 1049/2001 for any decision refusing access to all or part of a classified document. If access to the requested document cannot be refused on the basis of those exceptions, the official handling the application will ensure that the document is declassified before it is sent to the applicant.

### **10. Modalities of access**

---

*intellectual property, court proceedings and legal advice, the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure.....3. ...if disclosure of document would seriously undermine the institution's decision-making process..."*

<sup>5</sup> OJ L 274, 15.10.2013, p. 1



**EU UNCLASSIFIED**

*Releasable to the public*

Documents to which access has been granted will be sent to the applicant by mail or e mail. If the documents requested are voluminous or difficult to handle, the applicant may be invited to consult them on the spot.

If the document has been already released to the public, an answer may consist in informing the applicant how to obtain the requested document (*i.e.* providing the web address where it may be found).

**10. Effect**

This SOP shall take effect on the day of its signature and shall be published on the website of the EUFOR ALTHEA.

Mons, 16 of September 2022

Lieutenant General Hubert Cottereau  
FR Army  
Operation EUFOR ALTHEA  
Operation Commander

A handwritten signature in blue ink, enclosed in a blue rectangular box. The signature is stylized and appears to read 'Cottereau'.