



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 June 2014

9997/14

**INF 198
API 58**

NOTE

Subject: Public access to documents
 - Confirmatory application No 14/c/01/14

Delegations will find attached:

- request for access to a document sent to the General Secretariat of the Council on 10 April 2014, registered on 11 April 2014 ([Annex 1](#)).
- reply from the General Secretariat of the Council dated 8 May 2014 ([Annex 2](#))
- confirmatory application dated 16 May 2014 and registered the same day ([Annex 3](#)).

[E-mail sent to access@consilium.europa.eu using the electronic form available in the Register application on 10 April 2014 - 10:30 pm]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone: **DELETED**

Requested document(s): I would like to request the following documents:

- Council Decision on the signing and conclusion of the Agreement between the European Union and the Republic of Niger on the status of the European Union CSDP mission in Niger (EUCAP Sahel Niger) (ST 11665 2013 INIT) (09/07/2013)
- Agreement between the European Union and the Republic of Niger on the status of the European Union mission in Niger CSDP (EUCAP SAHEL NIGER) (ST 11667 2013 INIT) (09/07/2013)
- Draft Concept of Operations "Plus" (CONOPS PLUS) for the CSDP mission EUCAP SAHEL Niger (ST 11551 2012 INIT) (29/06/2012) (
- Draft Operation Plan (OPLAN) of the European Union Capabilities Mission in Niger (ST 17420 2012 INIT) (07-12-2012)
- Revised CONOPS and PSOR for the EU Training Mission on Mali (ST 8173 2014 INIT) (28-03-2014)
- EUTM MALI - Six Monthly Report (ST 8027 2014 INIT) (20-03-2014)
- Draft EUTM Mali mission plan (ST 5949 2013 REV 2) (07-02-2013)
- EUTM Mali - Draft CONOPS and vers. 1 of the PSOR and Draft ORBAT (ST 5450 2013 INIT) (17-01-2013)
- Final Report on the Sahel security and development initiative (ST 14361 2010 INIT) (01-10-2010)

I would like to access these documents because I am currently working on the link between the European Strategy for security and development in the Sahel and the two on-going CSDP missions in the region (EUTM Mali and EUCAP SAHEL Niger).

Kind regards,



**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

*Directorate-General F
Communication
Transparency*

*- Access to Documents/
Legislative transparency*

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B - 1048 BRUSSELS
Tel: (32 2) 281 67 10
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E-MAIL:

access@consilium.europa.eu

Brussels, 8 May 2014

Mr **DELETED**

e-mail:
DELETED

Ref. 14/0676-mjb/ns

Dear **DELETED**,

We registered your request of 10 April 2014 for access to documents 11665/13, 11667/13, 11551/12, 17420/12, 8173/14, 8027/14, 5949/2/13 REV 2, 5450/13 and 14361/10 on 11 April 2014. Thank you for your interest.

The General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents¹ (hereafter the "Regulation") and specific provisions of the Council's Rules of Procedure² and has come to the following conclusion:

You may have access to the following documents: **11665/13** and **11667/13**.

Preliminary note:

EU classified information shall be classified at one of the following level, among others³:

"RESTREINT UE/EU RESTRICTED": information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of the Member States.

¹ Official Journal L 145, 31.5.2001, p. 43.

² Annex II to the Council's Rules of Procedure – Council Decision No 2009/937/EU; Official Journal L 325, 11.12.2009, p. 35.

³ Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), Official Journal L 274, 15.10.2013, p. 1.

Document **14361/10 RESTREINT UE/EU RESTRICTED** is a note from the General Secretariat of the Council and the European Commission to the Political and Security Committee and contains the final report on the Sahel security and development initiative.

This document is an internal report containing detailed analysis of the situation in the Sahel at that time. Since then, political sensitivities related to this issue have not diminished although some aspects of the analysis may have evolved over time. Its release to the public, even today, would risk affecting sensitive diplomatic relations and would prejudice relations of the EU with Sahel countries.

Accordingly, pursuant to Article 4(1)(a), third indent of the Regulation (protection of the public interest with regard to international relations), the General Secretariat is unable to accede to your request. The General Secretariat has also looked into the possibility of disclosing parts of the document pursuant to Article 4(6) of the Regulation. However, as the information contained in the documents forms an inseparable whole, partial access cannot be granted either.

Document **11551/12 RESTREINT UE/EU RESTRICTED** is a note from the General Secretariat of the Council to COREPER and Council containing EEAS document 01058/12 on "*Concept of Operations "Plus" (CONOPS PLUS) for the CSDP mission EUCAP SAHEL Niger*"

Document **17420/12 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the CIVCOM containing EEAS document 02163/12 "*Draft Operation Plan (OPLAN) for the European Union Capabilities Mission in Niger, EUCAP SAHEL Niger*".

Document **5949/2/13 REV 2 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee containing EEAS document EEAS 00231/2/13 "*EUTM Mali - Draft Mission Plan*".

Document **5450/13 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee containing EEAS document EEAS 00089/13 "*EUTM Mali- Draft Concept of Operations (CONOPS) and Version 1 of the Provisional Statement of Requirements (PSOR)*"

Document **8173/14 RESTREINT UE/EU RESTRICTED** is a note from the Political and Security Committee to COREPER and Council on "*Revised CONOPS and PSOR for the EU Training Mission on Mali*".

These documents contain delicate operational information on an important CSDP mission in Niger. They include internal assessments and analyses and operational details on the mission's action. By reason of their nature and sensitive content, they are classified documents.

Having regard to the sensitive issues dealt with by the mission as well as to the fact that the mission has to operate in a delicate political situation at the international level, release of this information could on one hand affect the operational effectiveness of the mission on the ground and thus endanger public security in the relevant areas, including danger to mission personnel, but also prejudice relations with the third parties concerned.

Accordingly, access to these documents must be refused pursuant to first and third indents of Article 4(1)(a) of the Regulation (protection of the public interest with regard to public security and international relations). The General Secretariat has also looked into the possibility of disclosing parts of the documents pursuant to Article 4(6) of the Regulation. However, as the information contained in the documents forms an inseparable whole, partial access cannot be granted either.

Document **8027/14 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee and the European Union Military Committee containing EEAS document **EEAS 00632/14 "EUTM Mali - Six Monthly Report"**.

This report contains information on the functioning of EUTM performance and the environment it is working in and refers to the activities carried out in a particularly delicate political situation. They include internal assessments and analyses, as well as information on EUTM work and contain operational details on the mission's action. Release of this information could on one hand affect the operational effectiveness of the mission on the ground and thus endanger public security in the relevant areas, including danger to mission personnel, but also prejudice relations with the third parties concerned.

Accordingly, access to this document must be refused pursuant to first and third indents of Article 4(1)(a) of the Regulation (protection of the public interest with regard to public security and international relations). The General Secretariat has also looked into the possibility of disclosing parts of the document pursuant to Article 4(6) of the Regulation. However, as the information contained in the document forms an inseparable whole, partial access cannot be granted either.

Statutory remedy notice

Pursuant to Article 7(2) of the Regulation, you may submit a confirmatory application requesting the Council to reconsider this position, within 15 working days of receiving this reply¹.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

Enclosures

¹ Confirmatory applications are published in the Council's Register of documents. If you introduce a confirmatory application, your personal data will be published in the documents related to your confirmatory application only if you have given your explicit consent for this. Your reply relating to the publication of your personal data will in no way prejudice your rights under Regulation (EC) No 1049/2001.

[Confirmatory application - sent by e-mail on 16 May 2014 - 4:23 pm]

From: **DELETED**
Sent: Friday 16 May, 2014 4:23 pm
To: SECRETARIAT DGF Access
Subject: Re: Ref. 14/0676-mjb/ns

Dear Madam, Sir,

By this mail, I submit a confirmatory application requesting the Council to reconsider its reposition regarding the access the the requested documents.

Best regards,

DELETED
