



Council of the
European Union

053998/EU XXV. GP
Eingelangt am 28/01/15

Brussels, 28 January 2015
(OR. en)

5577/15

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 02/c/01/15

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 8 December 2014 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 21 January 2015 ([Annex 2](#));
- confirmatory application dated 22 January 2015 and registered the same day ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 8 December 2014 - 12:02 PM using the electronic form available in the Register application]

From: **DELETED**

Sent: Monday 8 December 2014 - 12:02 pm

To: SECRETARIAT DGF Access

Subject: Electronic Request for Access

Title/Gender: Mr **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone: **DELETED**

Mobile: **DELETED**

Requested document(s):

Council's Secretariat Document 10164/09



Council of the European Union
General Secretariat

Directorate-General Communication and Document Management
Directorate Document Management
Transparency and Access to Documents Unit

Brussels, 21 January 2015

Ref. 14/2366-nh/mf

Dear **DELETED**,

We have registered your request of 8 December 2014 for access to document 10164/09.
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. On 8 January 2015, the time-limit for replying to your application was extended by 15 working days. Having examined the request, the General Secretariat has come to the following conclusion:

Document **10164/09** contains lessons identified and recommendations on the planning phase of the EU Security Sector Reform Mission in Guinea-Bissau. It is classified EU "RESTREINT UE/EU RESTRICTED" which means that the unauthorised disclosure of information and material it contains could be disadvantageous to the interests of the European Union or of one or more of the Member States. others³:

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.

The Council of the EU decided to establish a mission in support of Security Sector Reform in the Republic of Guinea Bissau (EU SSR Guinea-Bissau) on 12 February 2008 (Council joint action 2008/112/CFSP). The mission was officially launched in June 2008 for an initial duration of 12 months and its duration was prolonged to 28 months. The last extension ended on 30 September 2010, date on which the mission closed down. It contains information on launching the EU security Sector Reform Mission in Guinea-Bissau.

Document 10164/09 contains practical and operational details of the planned mission. Even though the mission is today already finished this information, if released to the public, would undermine the protection of the public interest as regards defence and military matters the relations between the European Union and certain third countries.

Accordingly, pursuant to the second indent of Article 4(1)(a) (protection of the public interest with regard to defence and military matters) and to third indent of Article 4(1)(a) (protection of the public interest with regard to international relations) of the Regulation, the General Secretariat is unable to accede to your request.

We have also looked into the possibility of releasing parts of the document. However, as the exception to the right of access applies to its entire content, the General Secretariat is unable to give partial access.

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 reply⁴.

Yours sincerely,

For the General Secretariat

Jakob THOMSEN

⁴ 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.

From: **DELETED**

Sent: Thursday, January 22, 2015 11:42 AM

To: SECRETARIAT DGF Access

Subject: Re: Ref. 14/2366-nh/mf

Dear Mr Thomsen,

Many thanks for your reply. Pursuant to Article 7(2) of the Regulation, I would like to submit a confirmatory application requesting the Council to reconsider this position. Please let me know if you need additional information.

Best,

DELETED
