



Council of the
European Union

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Brussels, 31 August 2015
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API 74

NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 17/c/01/15

Delegations will find attached:

- request for access to documents registered by the General Secretariat of the Council on 11 June 2015 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 24 July 2015 ([Annex 2](#));
- confirmatory application dated 24 July 2015 and registered on 27 July 2015 ([Annex 3](#)).
- letter from the General Secretariat of the Council sent to the applicant on 31 July 2015 ([Annex 4](#))

[E-mail message sent to Access to Documents on 11 June 2015 - 3:31 pm]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address: **DELETED**

Telephone:

Mobile:

Fax:

Requested document(s): Crisis Management Concept for EUTM Mali, Initiating Military Directive for EUTM Mali, CONOPS for EUTM Mali.



Council of the European Union
General Secretariat

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

Brussels, 24 July 2015

Mr Alessandro Mattiato
Email: am989@kent.ac.uk

Ref. 15/1569-mi/mf

Request made on: 11.06.2015
Extended on: 02.07.2015

Dear Mr Mattiato,

Thank you for your request for access to documents of the Council of the European Union.¹

You have requested access to "*Crisis Management Concept for EUTM Mali, Initiating Military Directive for EUTM Mali and, CONOPS for EUTM Mali*". The General Secretariat has identified documents **16072/2/12 REV 2**, **17913/12** and **5430/13** as corresponding to your request for public access.

Preliminary note:

EU Classified Information (EUCI) is classified at the following levels, among others:²

¹ The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

² Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

"RESTREINT UE": this classification is applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of its Member States.

Documents **16072/2/12 REV 2**, **17913/12** and **5430/13** are all classified "RESTREINT UE/EU RESTRICTED". I regret to inform you that public access to these documents cannot be given for the reasons set out below.

Document **16072/2/12 REV 2 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee containing EEAS document "*Revised draft Crisis Management Concept (CMC) for a possible CSDP military mission in Mali*".

Document **17913/12 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee and EU Military Committee containing EEAS document "*Initiating Military Directive to the EU Mission Commander for a CSDP Training Mission in Mali*".

Document **5430/13 RESTREINT UE/EU RESTRICTED** is a cover note from the EEAS to the Political and Security Committee containing EEAS document "*EUTM Mali - Draft Concept of Operations (CONOPS) and Version 1 of the Provisional Statement of Requirements (PSOR)*".

These documents contain delicate operational information on an important on-going CSDP mission in Mali. They include internal assessments and analyses of the situation in Mali and operational and strategic details necessary for the proper functioning of the mission. Furthermore, they set out an analysis of the mission's infrastructure and methodologies.

The General Secretariat considers that the information contained in the above-mentioned documents is of a strategic and operational nature. Disclosure of such sensitive information concerning an on-going CSDP mission would seriously undermine not only the proper functioning and outcome of this specific operation but also the functioning and outcome of other current and future operations, thereby undermining the protection of public interest as regards defence and military matters. Release of this information would also put at risk the staff deployed in the field and prejudice the EU's relations with the countries in the area. As a consequence, the General Secretariat has to refuse public access to these documents.³

³ Article 4(1)(a), first, second and third indents, of Regulation (EC) N° 1049/2011.

The General Secretariat has examined whether partial access to documents **16072/2/12 REV 2**, **17913/12** and **5430/13**, all classified **RESTREINT UE/EU RESTRICTED**, would be possible pursuant to Article 4(6) of the Regulation. However, it has concluded that all parts of the documents are covered by one or several of the above-mentioned exceptions to the principle of transparency. Partial access is therefore not possible for these documents.

You can ask the Council to review this decision within 15 working days of receiving this reply.⁴

Yours sincerely,

Jakob THOMSEN

⁴ Article 7(2) of Regulation (EC) No 1049/2001. Council documents on confirmatory applications are made available to the public. According to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to access@consilium.europa.eu on 24 July 2015 - 5:22 pm]

From: **DELETED**

Sent: Friday, July 24, 2015 5:22 PM

To: SECRETARIAT DGF Access

Subject: Re: Ref. 15/1569-mi/mf

Dear Jakob Thomsen,

thank you for your response. I am a MA candidate in International Conflict and Security at the University of Kent - Brussels School of International Studies and I am currently writing my dissertation titled "EUTM Mali and the Absence of Counterterrorism Operations in the EU CSDP: Only a Matter of Political Consensus?".

The main argument of the dissertation is that the lack of political consensus between member states strongly constrains the potential of CSDP missions - in particular in the domain of serious new threats like terrorism -, hindering the EU ability to act as a global conflict manager. The analysis of official EU documents reveals what is called a "declarations-implementation gap": the usefulness of CSDP operations to fight terrorism is reaffirmed over and over again, but when it comes to the implementation phase, the missions' mandates never specifically address this issue. My ultimate goal is to raise awareness on the need to strengthen the CSDP to protect EU interests abroad, finally realising that "comprehensive approach" that the EU claims to adopt in dealing with external crises.

I understand that the disclosure of some of the information contained in those documents could be detrimental to the EU. However, access to them would be extremely valuable for my research. Therefore, I would like to ask to review your decision and allow me to have partial access to the documents. The information I would like to obtain is if counterterrorism operations have ever been considered as a possible task for EUTM Mali.

Thanking you for your consideration, I remain at your disposal for any further information.

Kind regards,

DELETED



Council of the European Union

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Head of Unit

Brussels, 31 July 2015

Mr Alessandro Mattiato
Email: am989@kent.ac.uk

Ref. Your confirmatory application No 17/c/01/15

Dear Mr Mattiato,

Thank you for your e-mail of 24 July 2015 by which you make a confirmatory application for public access to documents 16072/2/12 REV 2, 17913/12 and 5430/13 (all classified "RESTREINT UE/EU RESTRICTED") pursuant to Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (Official Journal L 145 of 31.05.2001, p. 43).

Your application will be processed by the competent Council instances in the shortest time possible, in this case, due to the summer recess, in the course of September.

Yours sincerely,

For the General Secretariat

Jakob Thomsen