



Council of the
European Union

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Eingelangt am 13/08/18

Brussels, 13 August 2018
(OR. en)

11611/18

INF 147
API 89

NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 21/c/01/18

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 26 June 2018 and registered the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 7 August 2018 ([Annex 2](#));
- confirmatory application dated 12 August 2018 and registered on 13 August 2018 ([Annex 3](#)).

[E-mail message sent to access@consilium.europa.eu on 26 June 2018 - 15:00 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone: **DELETED**

Mobile: **DELETED**

Fax:

Requested document(s): Progress Catalog 2018 (PC18)

1st preferred linguistic version: EN - English

2nd preferred linguistic version: ES - Spanish



Council of the European Union
General Secretariat
Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 7 August 2018

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Ref. 18/1340-nh/ns

Request made on: 26.06.2018

Deadline extension: 17.07.2018

Dear **DELETED**,

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

After having consulted the European External Action Service (EEAS) , the General Secretariat of the Council has come to the following conclusion.

I regret to inform you that access to document **8703/18** cannot be given for the reasons set out below.

It is a classified document, bearing the classification "RESTREINT UE". This means that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.

It is a note from the European Union Military Committee (EUMC) to the Political and Security Committee (PSC) containing a EEAS document EEAS(2018) 325 REV 5 entitled *Progress Catalogue 2018 (PC18)*.

These documents contain internal analysis on the modus operandi requirements, reasoning and modus operandi for overall CSDP operations.

Release of this information would reveal to third parties the details of the current and the future EU military operations. This would affect the efficiency of the European Union's action and question the feasibility of the EU operations in the future.

Disclosure of these documents would therefore undermine the protection of the public interest as regards defence and military matters. As a consequence, the General Secretariat has to refuse access to these documents.

We have also looked into the possibility of releasing parts of the document(s). However, as the information contained in the document (in each of the documents) forms an inseparable whole, the General Secretariat is unable to give partial access (at this stage).

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).

Yours sincerely,

Sally BLISS

[E-mail message sent to access@consilium.europa.eu on 12 August 2018 - 20:40]

From: **DELETED**

Sent: Sunday, August 12, 2018 20:40

To: SECRETARIAT DGF Access <Access@consilium.europa.eu>

Subject: Re: Ref. 18/1340-nh/ns

Find attached the confirmatory application for accessing document 8703/18 in order to review the decision made based on the reasons contained in the NOTES document.

Yours sincerely,

DELETED

NOTES FOR REVIEWING DECISION ON DOCUMENT 8703/18

Being a classified document means that the document is accessible to those having the corresponding Security Clearance for accessing EU documents given by the National Security Authority as is the case of the person that subscribes the application. Furthermore, working in a defence firm and in the Spanish *Instituto Universitario General Gutierrez Mellado* whose main activity are post-master defence studies and research in the fields of defence capabilities, defence equipment and defence industries are enough “need to know” arguments to access to such document, certainly with the proviso of the duties regarding the preservation of the confidentiality and not disclosure to third parties of the document.

Whereas the applicant cannot made assumptions regarding the content of the document, he must say that the title “Progress Catalogue 2018”, as is said in other documents, contains a description of the plans regarding the improvement of defence capabilities of the European Union for supporting the Common Security and Defence Policy.

Certainly, it cannot be understood why such disclosure can be disadvantageous to the interest of the European Union or their Member States. This case should only exist if the document would contain details explaining very detailed technicalities regarding the military capabilities or very detailed reasons for improving certain capabilities due for example to identified threats obtained through intelligence. Being this the case the document should be easily sanitized to drop such “critical” information.

Moreover, having in mind that the document may be of interest to citizens, a careful edition should have indicated which sections or paragraphs should be classified and dropped for free access to citizens. For example, details regarding *modus operandi* of EU CSDP should have been separated and moved to the corresponding section or annex. But, even in such a case, it is hard to believe that, for example, EU Peace Operations contain information whose disclosure may be disadvantageous to the EU or its Member States.

It is also difficult to believe that the revelation of the current EU military operations to third parties may compromise the efficient of EU actions where they are extensively publicised by MoDs, the EEAS and Member States. Even future operations, in this kind of documents, tend usually to be simply outlined without containing further references to specific scenarios, thus compromised such future missions.

Certainly the Council has to balance transparency with other criteria as the protection of the public interest, but as has been explained, there is no chance of compromising such interest. Even more, transparency should have priority and, being absolutely necessary, the document shall be sanitized for disclosure to EU citizens who are interested in defence and industrial policies. As a consequence, the applicant asks to reconsider his request and to make the necessary strides to give access to a complete or, in the worst case, sanitized copy of this document.
