



Council of the  
European Union

107645/EU XXVII. GP  
Eingelangt am 06/07/22

Brussels, 6 July 2022  
(OR. en)

11035/22

INF 121  
API 62

#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 11/c/01/22

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Delegations will find attached:

- the requests for access to documents sent to the General Secretariat of the Council on 16, 19 and 20 June 2022 and registered the next day (Annex 1);
- the reply from the General Secretariat of the Council dated 30 June 2022 (Annex 2);
- the confirmatory application dated 1 July and registered on the same day (Annex 3).

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[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Thursday 16 June, 2022 17:11 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Thursday, June 16, 2022 5:11 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

**DELETED**

**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Academia

**On behalf of**

**Full postal address**

**DELETED**

**Telephone**

**Mobile telephone**

**DELETED**

**Fax**

**Requested document(s)**

EUMC Report on Operation ALTHEA Lessons Identified during the planning phase,  
ST 8912 2005 INIT - Note

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 15:48 using the electronic form available in the Register application]

From: document-request@consilium.europa.eu <document-request@consilium.europa.eu>  
Sent: Sunday, June 19, 2022 3:48 PM  
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>  
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

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**First name**

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**Occupation**

Academia

**On behalf of**

**Full postal address**

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**Telephone**

**Mobile telephone**

DELETED

**Fax**

**Requested document(s)**

ST 8285 2022 INIT

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 16:08 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Sunday, June 19, 2022 4:08 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

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**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Academia

**On behalf of**

**Full postal address**

**DELETED**

**Telephone**

**Mobile telephone**

**DELETED**

**Fax**

**Requested document(s)**

ST 10823 2021 INIT

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 16:09 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Sunday, June 19, 2022 4:09 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

**DELETED**

**First name**

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**DELETED**

**Occupation**

Academia

**On behalf of**

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**Telephone**

**Mobile telephone**

**DELETED**

**Fax**

**Requested document(s)**

ST 10479 2021 INIT - NOTE

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 16:10 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Sunday, June 19, 2022 4:10 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

**DELETED**

**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Academia

**On behalf of**

**Full postal address**

**DELETED**

**Telephone**

**Mobile telephone**

**DELETED**

**Fax**

**Requested document(s)**

ST 9901 2021 INIT - COVER NOTE

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 16:11 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Sunday, June 19, 2022 4:11 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

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**First name**

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**Occupation**

Academia

**On behalf of**

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**Telephone**

**Mobile telephone**

DELETED

**Fax**

**Requested document(s)**

ST 11406 2019 INIT

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Sunday 19 June, 2022 16:11 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Sunday, June 19, 2022 4:11 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

Mr

**Family name**

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**Fax**

**Requested document(s)**

ST 11406 2019 INIT



[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Monday 20 June, 2022 17:52 using the electronic form available in the Register application]

**From:** document-request@consilium.europa.eu <document-request@consilium.europa.eu>

**Sent:** Monday, June 20, 2022 5:52 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

This e-mail has been sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) using the electronic form available in the Register application.

This electronic form has been submitted in ENGLISH.

Mr

**Family name**

DELETED

**First name**

DELETED

**E-mail**

DELETED

**Occupation**

Academia

**On behalf of**

**Full postal address**

DELETED

**Telephone**

**Mobile telephone**

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**Fax**

**Requested document(s)**

ST 13595 2009 INIT, Operation ALTHEA: Draft Operation Plan (OPLAN) and Provisional Statement; ST 8223 2022 INIT, Military Advice on the Amendment of Operation Plan, Operation ALTHEA, REV 6



**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, 30 June 2022

**DELETED**

Email: **DELETED**

Ref. 22/1310-1336-1338-1339-1340-1341-1342-1354-vl/ns

Requests made on: 16.06.2022, 19.06.2022 and 20.06.2022

Dear **DELETED**,

Thank you for your requests for access to documents of the Council of the European Union.<sup>1</sup>

Please find attached partially accessible versions of documents **ST 9801/19**, **ST 9901/21** and **ST 10479/21**.<sup>2</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **ST 9801/19** contains the Strategic Review 2019 of the EUFOR Althea Operation.<sup>3</sup>

This document contains political, geopolitical and strategic considerations, the disclosure of which would enable EU's adversaries and enemies - both state and non-state actors - to seriously undermine the protection of the public interest of the EU, of the Member States that have deployed military staff engaged in the Operation, as well as of the partner nations contributing with their forces, hence as regards public security, defence and military matters, as well as international relations.

<sup>1</sup> 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).

<sup>2</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>3</sup> [https://www.eeas.europa.eu/eufor-althea/eufor-bosnia-herzegovina-military-operation-althea\\_en?s=324](https://www.eeas.europa.eu/eufor-althea/eufor-bosnia-herzegovina-military-operation-althea_en?s=324)

Documents **ST 9901/21** and **ST 10479/21** contain respectively the Strategic Review 2021 of the abovementioned Operation and the recommendations of the Political and Military Group (PMG) on that Strategic Review.

In the light of our consultations with the services responsible for these policy matters, the General Secretariat is of the opinion that full access to these two documents could enable hostile entities - to acknowledge sensitive strategic aspects of the Operation and cause prejudice to the lives of the military personnel engaged in the field, as well as to the EU's strategic military approach and to its international relations.

Consequently, full disclosure of these three documents cannot be authorized.<sup>4</sup>

However, according to Article 4(6) of Regulation (EC) No 1049/2001 you may have access to the following parts of documents **ST 9801/19**, **ST9901/21** and **ST 10479/21** that are not covered by any of the exceptions of the Regulation:

- **ST 9801/21**: the cover page of the document, the list of references, points 1, 2 and 10 of the Executive summary, point 13 of the introduction, point 55 of the Overview of the actions undertaken and the final points 120 and 121;
- **ST 9901/21**: the cover page of the document, the list of references, points 11 and 12 of its introduction and the final points 102 (except its last bullet) and 103;
- **ST 10479/21**: the cover page of the document, the title of the Annex and points 1, 2, 13 and 17.

Moreover, I regret to inform you that access to documents **ST 8912/05**, **ST 13595/09**, **ST 11406/19**, **ST 10823/21**, **ST 8223/22** and **ST 8285/22** cannot be given for the reasons set out below.

Document **ST 8912/05** contains a report from the **European Union Military Committee (EUMC)** on the abovementioned ALTHEA Operation (Lessons Identified during the planning phase).

Document **ST 13595/09** contains the Draft Operation Plan (OPLAN) and Provisional Statement on the abovementioned Operation.

Documents **ST 11406/19** and **ST 10823/21** contain the Military Advice respectively on the Strategic Review 2019 and 2021 of the abovementioned Operation.

Document **ST 8223/22** contains the Military Advice on the Amendment of ALTHEA Operation Plan - REV 6.

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<sup>4</sup> Article 4(1)(a), first, second and third indent of Regulation (EC) No 1049/2001.

Document **ST 8285/22** contains the Military Advice on the High Representative's Report on the 35th six-monthly report of the abovementioned Operation.

These six documents bear the classification marking "**RESTREINT UE/EU RESTRICTED**". This means that the unauthorised disclosure of their contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.<sup>5</sup>

Following the outcome of our consultation with our services responsible for these policy matters, regretfully the General Secretariat is unable to grant public access to them, since their disclosure would allow hostile entities to cause serious prejudice to the political and strategic goals of the EU in the Western Balkans and to the lives of the EU military personnel engaged in EUFOR ALTHEA, compromising the success of the Operation.

Consequently, access must be refused since it would seriously undermine the protection of the public interest of the EU, of the Member States with troops engaged in the Operation, as well as of the partner nations contributing with forces, as regards their public security, defence and military matters, as well as international relations.

We have also looked into the possibility of releasing parts of these six documents.<sup>6</sup> However, as the information contained therein forms an inseparable whole, the General Secretariat is unable to give partial access.

Pursuant to Article 7(2) of Regulation (EC) No **1049/2001**, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.

Yours sincerely,

Fernando FLORINDO

(Enclosures: 3)

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<sup>5</sup> 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.

<sup>6</sup> Article 4(6) of Regulation (EC) No **1049/2001**.

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Friday, 1 July, 2022 15:16]

**From:** **DELETED**

**Sent:** Friday, July 1, 2022 3:16 PM

**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

**Subject:** Re: Ref. 22/1310-1336-1338-1339-1340-1341-1342-1354-vl/ns

To the Transparency Agency of the General Secretariat of the Council,

Thank you very much for responding to my request for documents. I am pleased to see that some of the documents requested were able to be released to me, even in a limited fashion. I also appreciate your taking the time to respond to my request in full via the provided letter by Fernando Florindo.

However, if possible, I would like to ask the Council to review the decision taken regarding access to the documents. I am requesting the documents, you see, as a researcher on a Horizon 2020 funded research project, **DELETED** which aims to help in the development of improved external action governance architecture. My project, in particular, is to assess the planning, capacity, execution, and success of CSDP operations in Bosnia and Herzegovina to enable the creation of broader success criteria for future CSDP operations.

As such, I would argue that there is an overriding public interest in providing at least limited access to these documents. This would allow the successful completion of a Horizon 2020 project, and would enable further development of the EU's external action capacity which, during these uncertain times, can only be said to be a positive thing.

If you require any documentation to confirm my position or the veracity of any statements here, please do not hesitate to be in touch.

Thank you once again for your help so far and in advance for the further imposition upon you by this request.

Sincerely,

**DELETED**

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