



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, 27 March 2023

Ms Vera Deleja-Hotko

Email: [REDACTED] and v.deleja-
[REDACTED]

Ref. 23/0472 ex 22/0292-vl/nb

Request made on: 14.02.2022

Deadline extension: 07.03.2022

Dear Ms Deleja-Hotko,

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

Our apologies for the delay in replying to your abovementioned application, caused by the large number of RELEX-related applications handled by our Transparency service and the time needed to endeavour to identify the relevant documents corresponding to your request, that focused on the *"6-monthly reports of the Political and Security Committee for the EUTM in Mali, Central African Republic, Somalia, Libya and Mozambique · correspondence between Administrator of Assistance Measures and the Facility Committee concerning the EUTM in Mali as well as the annexes"*.

Owing to the large scope, regrettably this made it impossible for our Transparency services to carry out a reasonably affordable research in our data bases to identify all the relevant documents within the standard deadlines considering our limited human resources, while examining several additional requests for public access.

However, we managed to identify the documents related to the abovementioned missions corresponding to your request:

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).

MALI	8027/14 (20/3/2014) + ADD 1 + ADD 2, 13333/14 (15/9/2014), 10567/15 (July 2015), 5572/16 (Jan 2016), 10744/16 (June 2016), 15700/16 (Dec 2016), 10678/17 (Jan/June 2017), 5070/18 (assessment of June/Dec 2017 report), 10624/18 (Jan/June 2018), 5412/19 (15/6/2018-15/12/2018), 10807/19 (15/12/2018-15/6/2019), 5548/20 (12/6/2019-11/12/2019), 10055/20 (16/12/2019-15/6/2020), 5589/21 (16/6/2020-15/12/3020), 11206/21 (16/12/2020-15/6/2021), 5418/22 (15/6/2021-14/12/2021)
RCA	5037/17 (Dec 2016), 10900/17 (1st report of 2017), 5066/18 (assessment of July/Dec 2017 report, which is contained at Annex) 10625/18 (Jan-June 2018), 5413/19 (June-Dec 2018) 10806/19 (15/12/2018-15/6/2019), 5550/20 (15/6/2019-15/12/2019) 10056/20 (16/12/2019-15/6/2020) 11207/21 (16/12/2020-15/6/2021), 5419/22 (June/Dec 2021)
LIBYA (EUBAM)	13557/13 (mission report), 16574/14 (2014 report), 10775/15 (1 st report of 2015), 6532/16 (22/5/2015-21.11.2015), 7665/17 (22/8/2016-23/1/2017), 12191/17(23/1/2017-23/7/2017), 7600/18 (23/7/2017-22/2/2018), 11718/18 (23/2/2018-22/8/2018), 7418/19 (23/8/2018-22/2/2019), 11881/19 (23/2/2019-22/8/2019), 6443/20 (23/8/2019-22/2/2020), 10382/20 (23/2/2020-22/8/2020), 7196/21 (23/8/2020-22/2/2021), 11829/21 (23/2/2021-22/8/2021), 7029/22 (23/8/2021-22.2.2022), 12069/22 (23/2/2022-22/8/2022)
SOMALIA	9210/14 (Sep 2013-Apr 2014), 15844/14 (Nov 2014, 2 nd report) 5291/16 (Nov 2015), 5369/17 (Nov 2016) 10259/17 (1/12/2016-31/5/2017), 5065/18 (1/6/2017-30/11/2017) 10627/18 (Dec 2017-May 2018), 5414/19 (15/6/2018-15/12/2018) 10805/19 (15/12/2018-15/6/2019), 5549/20 (16/6/2019-15/12/2019) 10057/20 (16/12/2019-15/6/2020), 5595/21 (16/6/2020-15/12/2020) 11208/21 (16/12/2020-15/6/2021), 5420/22 (16/6/2021-15/12/2021) 10772/22 (16/12/2021-15/6/2022) 11429/11 PUBLIC (PMG recommendations for follow-up options)
MOZAMBIQUE	5423/22 (15/10/2021-15/12/2021) (Post-Launch Report)

All the above-mentioned documents, except ST 5037/17, ST 10900/17 and ST 5066/18 (bearing the distribution code LIMITE) and ST 11429/11 (PUBLIC, here at annex), are classified documents, bearing the marking “**EU RESTRICTED - RESTREINT UE**”, which 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.²

These reports elaborate on the political and security situation in the third country and region concerned and share evaluations, assessments and judgements related to extremely challenging geo-political scenarios. They concern all the challenging aspects of an ongoing military mission (mandate lastly extended until 18 May 2024) in geopolitical scenarios with acute security problems, where EU Military facilities and personnel are under serious threats and also under attack.

The sensitive information on analysis, planning and ways forward as well as on operational and logistic procedures therein described or assessed, if disclosed, would seriously jeopardize the lives of the EU personnel engaged in these missions and would compromise their fulfilment as a whole, seriously jeopardizing also the EU's position as a valid interlocutor in the international scene (towards the national authorities of the third countries concerned, as well as towards diverse internal factions involved in the third country concerned, and towards the EU's international partners in the different operations concerned).

Moreover, the release of this information to the public would be of the utmost intelligence value to EU opponents and adversaries, both States or non-State actors, allowing them to build or fine-tune their campaign against EU interests, therefore compromising the strategic interests of the Union, as well as of its partner and allied Nations in the Region.

In the light of the above, the public disclosure of these documents would put in danger the lives of the EU Military Personnel engaged in the Mission, undermine the protection of the public interest as regards defence and military matters, and cause prejudice to the EU's international relations. Consequently, public access must be refused³.

We have also looked into the possibility of releasing parts of these reports⁴. However, as the information therein contained forms an inseparable whole, the General Secretariat is unable to give partial access.

However, for your convenience, we are herewith enclosing copy of document ST 11429/11 (marked in **green** here above), which was drawn up in 2011 at an early stage of EUTM Somalia and contains recommendations for follow-up options on that mission. This document is already in the public domain and is also downloadable from the public register of Council documents.

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.

³ Article 4(1)(a), first, second and third indent of Regulation (EC) No 1049/2001.

⁴ Article 4(6) of Regulation (EC) No 1049/2001.

For your future needs, you may also wish to consult :

- Our public register of Council documents (<https://www.consilium.europa.eu/en/documents-publications/public-register/public-register-search/>), which contains references to, among others, several additional documents concerning the abovementioned EU missions (identifiable by carrying out your search by using the ad hoc key-parameters corresponding to the topic(s) of your interest), some of which may be downloadable full text;
- the following web platforms corresponding to the abovementioned EU missions:
<https://eutmmali.eu/>⁵
https://www.eeas.europa.eu/eutm-rca_en?s=334⁶
https://www.eeas.europa.eu/eubam-libya_en?s=327⁷
<https://www.eutm-somalia.eu/>⁸
https://www.eeas.europa.eu/eutm-mozambique_en?s=4411⁹

Finally, our institution does not hold any document concerning correspondence related to the European Peace Facility Committee, you may wish to forward your request to:

EPF.operations@consilium.europa.eu.

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

Enclosure

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013D0034-20221017&from=EN>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022D1334>

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1009&qid=1629820283768&from=EN>

⁸ <https://www.consilium.europa.eu/en/press/press-releases/2022/12/12/operation-atalanta-eutm-somalia-and-eucap-somalia-mandates-extended-for-two-years/>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021D1143>