



AFFGEN.2  
Head of Division

Brussels, **30 AOUT 2019**  
eeas.sg.affgen.2 (2019) 4347168

Mr Giacomo Zandonini

*Subject: Your request for access to documents of 29 May 2019*  
*Our ref: 2019/109*

Dear Mr Zandonini,

Thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001<sup>1</sup>.

After a search in the EEAS filing systems, the document management databases and archives, the EEAS has identified the following documents matching your request, as referenced hereafter:

- Feasibility study on CMCF project
- Request from Nigerien authorities to support CMCF project
- Six monthly reports (since 2017, EU Restricted)
- OPLAN (since 2017, EU Restricted)
- Status report on CMCF project
- MoU between Germany and EUCAP Sahel Niger
- MoU between The Netherlands and EUCAP Sahel Niger
- Read out of VTCs

After a careful review of the requested documents, we came to the conclusion that these contain sensitive information regarding the activities of the Nigerien authorities and security forces, including data and assessments of the Nigerien security forces capacities. This information, which is highly relevant for the conduct of the Mission and the implementation of its mandate, cannot be communicated to the public for obvious security reasons of concern for our Nigerien counterparts. A unilateral release of such information would harm our relations with our Nigerien counterparts and constitute as a breach of trust between partners. The consequences would be detrimental for the Mission's and EU's relations with Niger.

Moreover, the disclosure of joint documents such as the Memorandum of Understanding with the Nigerien government and the Status report on CMCF would break the Nigerien Penal code

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter the "Regulation").

(article 68–70) which convicts whoever communicates documents related to the Nigerien internal and external security and defense without permission.

The above listed documents also contain sensitive data about the operational activities of other partners of the Mission, i.e. EU Agencies, EU Member States and third countries.

The Mission operates in a very delicate political and security environment, both at local and international level. Therefore, the EEAS considers that a disclosure of the information contained in the identified documents, or their public disclosure, would undermine the protection of public security and jeopardize international relations, as well as security and defense interests of Niger and the EU. It would also risk harming the future operations of EUCAP Sahel NIGER, the EEAS' responsibilities in conducting civilian CSDP missions, EUCAP Sahel Niger's ability to properly implement its mandate and also break the trust of our European and African partners.

Therefore, I regret to inform you that we are not in a position to disclose any of the requested documents, neither as a whole nor partially, since, as explained above, this would risk undermining a) the protection of public security, b) defense and military matters, c) international relations and d) decision-making process as per 4(1)(a)1st, 2nd and 3rd indents and 4(3) of the Regulation 1049/2001.

However, herewith attached you will find a press factsheet on the CMCF project, as well as the latest Council decision on EUCAP Sahel Niger's mandate as published in the Official Journal of the European Union on 23 May 2019.

Yours sincerely,



Gabriele Visentin