

Brussels, 16 April 2025  
(OR. en)

8111/25

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API 39

**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: Public access to documents  
- Confirmatory application No 10/c/01/25

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Delegations will find attached:

- the requests for access to documents sent to the General Secretariat of the Council on 17 March 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 7 April 2025 (Annex 2);
- the confirmatory application dated 15 April 2025 and registered on the same date (Annex 3).

**From:** document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>  
**Sent:** lundi 17 mars 2025 09:45  
**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.

**Form of address**

**DELETED**

**Family name**

**DELETED**

**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Law firm

I submit this request on my own behalf.

**Name of the organisation**

**Full postal address**

**DELETED**

**Telephone**

**DELETED**

**Requested document(s)**

ST 8082 2024 INIT -  
22/03/2024

Operation Plan (OPLAN) for the European Union Capacity Building Mission in  
Somalia (EUCAP Somalia)

Subject matters: COPS, CIVCOM, JAI, EUCAP SOMALIA, CSDP/PSDC, COAFR,  
RELEX, CFSP/PESC

Date of meeting 26/03/2024

**1st option**

EN

**2nd option**

FR

**From:** document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>  
**Sent:** lundi 17 mars 2025 09:47  
**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>  
**Subject:** Consilium - Electronic Request for Access to documents [ENGLISH]

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**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Law firm

I submit this request on my own behalf.

**Name of the organisation**

**Full postal address**

**DELETED**

**Telephone**

**DELETED**

**Requested document(s)**

ST 7472 2024 INIT -  
13/03/2024

Operation Plan (OPLAN) for the European Union Capacity Building Mission in Somalia (EUCAP Somalia)

Subject matters: CIVCOM, COPS, JAI, EUCAP SOMALIA, CSDP/PSDC, COAFR, RELEX, CFSP/PESC

Date of meeting 13/03/2024

**1st option**

EN

**2nd option**

FR

**From:** document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>  
**Sent:** lundi 17 mars 2025 09:48  
**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.  
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**Form of address**

**DELETED**

**Family name**

**DELETED**

**First name**

**DELETED**

**E-mail**

**DELETED**

**Occupation**

Law firm

I submit this request on my own behalf.

**Name of the organisation**

**Full postal address**

**DELETED**

**Telephone**

**DELETED**

**Requested document(s)**

ST 7473 2024 INIT -  
13/03/2024

Explanatory Note on the Amendment to the Operation Plan (OPLAN) for the European Union Capacity Building Mission in Somalia (EUCAP Somalia)  
Subject matters: CIVCOM, COPS, JAI, EUCAP SOMALIA, CSDP/PSDC, COAFR, RELEX, CFSP/PESC  
Date of meeting 20/03/2024

**1st option**

EN

**2nd option**

FR



**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 April 2025

**DELETED**

Email: **DELETED**

Refs. 25/0819-0820-0821

Requests made on: 17.03.2025

Dear **DELETED**,

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

I regret to inform you that access to documents **8082/24**, **7473/24** and **7472/24** cannot be given for the reasons set out below.

The three requested documents concern the EU Capacity Building Mission in Somalia ([EUCAP Somalia](#)).<sup>2</sup>

More specifically, documents **8082/24** (addressed by the European External Action Service (EEAS) to the Political and Security Committee) and **7472/24** (addressed by the EEAS to the Committee for Civilian Aspects of Crisis Management (CIVCOM) focus on an update of the Operation Plan (OPLAN) for the abovementioned Mission, while **7473/24** (from the EEAS to CIVCOM) contains an Explanatory Note on amendments to the OPLAN.

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<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> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202403096](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202403096)  
<https://www.consilium.europa.eu/en/press/press-releases/2024/12/16/horn-of-africa-and-somalia-operation-atalanta-eutm-and-eucap-somalia-s-mandates-extended-for-two-years/>

They are classified documents, bearing the mark “**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.<sup>3</sup>

Having regard to our consultations (internal and with the EEAS) and the sensitive content of these documents, the General Secretariat is of the opinion that public access to them cannot be granted.

These documents contain detailed confidential assessments of the challenging geopolitical scenario in Somalia, focusing primarily on the security aspects in the country and on the internal processes and working methods of the Mission (also including procedures for recruitment, procurement and the repartition of responsibilities) and therefore including a wide variety of organisational details concerning staff management.

Moreover, these working papers elaborate on the current distribution of tasks within the mission and describe their possible evolution depending on suggestions emerged from the internal analysis of difficulties, risks and threats to the mission’s implementation, hence from an analysis of possible areas for future engagement.

Given the confidential nature of their content, the release of documents **8082/24**, **7473/24** and **7472/24** to the wide public would cause prejudice to the security standards of the Mission and its staff and to the relations between the EU, its international partners, its local partners and national authorities from the third country concerned, as such information could be used by hostile (state and non-state) entities to plan and carry out actions weakening the internal functioning of EUCAP Somalia, destabilising the EU’s relations in this framework and causing a serious threat to the implementation of the whole Mission.

Consequently, the disclosure of these documents would undermine the protection of public interest as regards public security and international relations.<sup>4</sup>

We have also looked into the possibility of releasing parts of these documents.<sup>5</sup> However, as the information contained therein forms an inseparable whole, and since the abovementioned exceptions to the right of access apply to their entire content, 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

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

<sup>5</sup> Article 4(6) of Regulation (EC) No 1049/2001.



AVOCATS ASSOCIÉS /  
ADVOCATEN VENNOTEN /  
PARTNERS LAWYERS

[Redacted text block]

OF COUNSELS



AVOCATS /  
ADVOCATEN /  
LAWYERS

[Redacted text block]



**Council of the European Union**  
Ms Thérèse Blanchet, Secretary-General  
Rue de la Loi, 175  
1048 Brussels

By e-mail (only):



Copy:



Brussels, 15 April 2025

Dear Secretary-General,

**Subject:** Confirmatory application

**O. ref.:** [Redacted]

**Y ref.:** 25/0819-0820-0821

The present letter is a confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter “Regulation 1049/2001”), against your letter dated on 7 April 2025 rejecting our request for access to the three documents concerning the EU Capacity Building Mission in Somalia (EUCAP Somalia), under references 8082/24, 7473/24 and 7472/24.

Your refusal is based on Article 4(1)(a), first and third indents, of the Regulation. 11049/2001, by considering that disclosure of those documents would undermine the protection of the public interest as regards public security and international relations.

You also stated that it is not possible to grant a partial access to the documents, “as the information contained therein forms an inseparable whole, and since the abovementioned exceptions to the right of access apply to their entire content”.

However, we respectfully ask the Council of the European Union to reconsider its position, by granting partial access to the documents in question concerning only the official dates of their signature and of their adoption, granting them legal enforceability.



[Redacted]

Granting access to such information contained in the three documents concerned would definitively not undermine the protection of the public interest as regards public security and international relations.

Looking forward to reading from you,

Sincerely Yours.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]