

Annex 5: Correspondence with DEVCO

From: EuropeAid-D1@ec.europa.eu
Subject: Response to your email dated from the 4th of June - Your application for access to documents – Ref GestDem No 2019/5428
Date: 12 June 2020 at [REDACTED]
To: [REDACTED]@privacyinternational.org

Dear [REDACTED]

We refer to your email dated 4 June 2020, in which you replied to our invitation for a proposal for a fair solution of 29 May 2020. We would like to thank you for your reply narrowing down the scope of your initial request to the two projects indicated therein, i.e. – see below:

Contract year	Contract title	Expiry date	Implementation starting date	Geographical zone (LEF)	Decision Number
2017	West Africa Police Information System Programme (WAPIS 3)	15-06-2022	16-11-2017	West Africa Region	38921
2017	Assistance technique pour la mise en oeuvre du Programme de coopération pour la sécurité intérieure entre le Sénégal et l'Union européenne (SECSEN-UE)	30-11-2020	01-12-2017	Senegal	38567

Your request is being processed on the basis of your specifications to provide you with a reply as soon as possible.

Please be informed that the handling of your request is likely to face some delays due to the extraordinary circumstances, the fact that it concerns long documents that are managed at the level of the EU delegation in Senegal and not here in headquarter, that will need to be assessed, and that it is very likely that third parties will need to be consulted.

Thank you for your understanding and apologies for the inconvenience.

Yours faithfully,

DEVCO D1

Dear Sir/Madam,

Thank you for your email below dated 29 May 2020. We hereby agree to your suggested solution and would like to receive the **documents pertaining to the following two projects (numbers 22 and 24 from the table contained in your email dated 29 May 2020)** with regard to questions specified in our initial request:

Contract year	Contract title	Expiry date	Implementation starting date	Geographical zone (LEF)	Decision Number
2017	West Africa Police Information System Programme (WAPIS 3)	15-06-2022	16-11-2017	West Africa Region	38921
	Assistance technique pour la mise en oeuvre du Programme				

2017	mise en oeuvre du Programme de coopération pour la sécurité intérieure entre le Sénégal et l'Union européenne (SECSEN-UE)	30-11-2020	01-12-2017	Senegal	38567
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May we please kindly ask you to confirm receipt of our specified preference for the aforementioned 2 projects?

Yours faithfully,
Privacy International and [REDACTED]

On 29 May 2020, at [REDACTED] [REDACTED]@ec.europa.eu wrote:

Dear Sir,

We refer to your letter dated 18 September 2019 in which you make a request for access to documents, registered on 24 September 2019 under the above-mentioned reference number. We also refer to our email dated 8 November 2019 in which we informed you that the wording of your request is not precise enough to yield results in the document management systems/project websites/reporting tools of the European Commission and requested you to provide clarifications. You replied to said request by letter dated 2 December 2019 (transmitted via email dated 2 December 2019).

First, we would like to welcome the clarifications provided on the geographic area covered by your request. Point 1 of your letter dated 2 December 2019 mentions: *'third countries should be deemed to mean in the following countries: Turkey, Montenegro, North Macedonia, Albania, Serbia, Kosovo, Bosnia and Herzegovina, as well as any African country'*. Please note that, for DG DEVCO, the geographic coverage of the request would concern countries of sub Saharan Africa, which fall under its mandate^[1]. The rest of the countries/areas mentioned in your letter of 2 December 2019 fall under the remit of DG NEAR, which is currently handling access to documents request under reference GestDem 2020/5444 submitted by your organisation.

On a second point, we notice that in your reply of 2 December 2019, you have proposed additional DAC codes for the identification of projects/documents, thus expanding the scope of your request. Moreover, the proposed DAC codes do not relate to the areas of interest or activities you describe in your initial application, nor in the subsequent reply to the request for clarifications. For example, DAC code 15110 includes projects such as *'Programme Sécurité Alimentaire et Nutritionnelle composante Santé Nutrition (CSN-SAN) in Chad'* or *'Profile Environmental de Pays du Mali'* which are completely unrelated to the areas mentioned in the letters received so far by your organisation and which focus on surveillance, policing border control, etc.

Based on the description given in your application and the reply to the request for clarifications, we consider that DAC code 15210 is the most appropriate to search for projects/programmes containing the documents you are requesting.

Thirdly, we would like to recall the fact that the European Commission channels funds to recipients through different types of management modes, which are governed by distinct rules, procedures and obligations, amongst which through indirect management with International Organisations and Member States' agencies. In the latter case, the Commission delegates the implementation of an action to the designated entities, which are entitled to make use of their own systems and procedures for the implementation; as a consequence, the bulk of information related to the action stays with them and is not communicated to the Commission.

As a consequence, research for such projects or documents would generate an excessive administrative burden for Commission services without at the same time guaranteeing effectiveness of the search results. We, therefore, propose to provide you with a list of projects carried out under direct management and indirect management with partner countries.

On the basis of the above criteria (DAC code 15210, African countries under DEVCO's mandate, projects under direct management and indirect management with partner countries implemented from 01-01-2017 to 31-08-2019) DG DEVCO has identified the below list of 45 projects, each of them including an average of over a hundred documents per project, some containing over two hundred names each

This very large number of documents need to be assessed individually. Such a detailed analysis cannot be carried out within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

However, Article 6(3) of Regulation (EC) No 1049/2001 also provides for a possibility to confer with an applicant informally with a view to finding a fair solution when an application relates to a very long document or concerns a very large number of documents.

In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents requested, not the deadline for replying [2]. This means that the scope of the request must be reduced in a way that would enable its processing within the extended deadline of 15 + 15 working days.

Based on the above-mentioned provision, we would kindly ask you to specify the objective of your application and your specific interest in the documents requested [3], and whether you could narrow down the scope of your application.

In order to help you narrow down your request, please note that the following categories of documents have been identified as falling under the scope of your request:

	Contract year	Contract title	Expiry date	Implementation starting date	Geographical zone (LEF)	Decision Number
1	2017	EAC MASE programme estimates 3	13-10-2019	15-10-2017	Eastern, Southern Africa and the Indian Ocean	24098
2	2017	Devis-programme de croisière n°1 - Programme d'appui à la Réforme du Secteur de Sécurité - volet RSS (PARSS2 RSS) - régie indirecte privée	19-08-2018	20-01-2017	Guinea (Conakry)	24681
3	2017	Deuxième devis programme de croisière - Programme d'Appui à la Réforme du Secteur de Sécurité, composante Réintégration Socio-Économique (PARSS-RSE)	31-03-2019	01-04-2017	Guinea (Conakry)	24681
4	2017	Evaluation à mi-parcours du projet d'appui à la gestion des frontières au Sénégal	18-03-2017	16-02-2017	Senegal	24241
5	2019	Formation de formateurs des Forces armées et de sécurité en Mauritanie dans le cadre de l'Académie mauritanienne de la paix et de la sécurité	06-12-2020	07-03-2019	Mauritania	24511
6	2019	CTR FED/2019/385-281 - Marché de Supervision et Contrôle des travaux des chantiers réalisés à : Rosso et Nouakchott	30-09-2020	01-07-2019	Mauritania	24511
7	2019	Travaux de réhabilitation, réalisation des ouvrages de formation et d'assainissement au niveau de l'Ecole de Garde de Rosso	14-03-2020	15-03-2019	Mauritania	24511
8	2018	Marché de fournitures de Tentes et Logistique, Caisse de transport ICU4 personnes, équipement de remise en	11-08-2018	28-05-2018	Mauritania	24511

		condition, bloc opératoire de campagne, pharmacie - LOT N°1				
9	2017	Appui à l'identification des sites pour la construction des commissariats, brigades territoriales et postes de la GNNT et pour les actions de gouvernance locale de la sécurité intérieure dans le cadre du PAASIT	31-10-2017	17-07-2017	Chad	38231
10	2017	Supporting the Somalia Police Force at Federal and Federal Member State level through stipends payment.	30-04-2021	31-10-2017	Somalia	37616
11	2017	Vérification des dépenses des devis programmes 2 et 3 du PAFSI volet 2	02-02-2018	07-08-2017	Chad	22224
12	2017	Vérification des dépenses du devis programme 3 du PAFSI volet 1	28-11-2017	20-08-2017	Chad	21607
13	2017	Appui à la mise en place du Conseil National de Sécurité Intérieure du Tchad	01-03-2018	28-08-2017	Chad	38231
14	2017	Appui au rapprochement armée / population, à la redevabilité du secteur de la sécurité et à la mise en œuvre de la réforme de l'armée	27-05-2021	28-07-2017	Democratic Republic of Congo	36193
15	2018	Travaux de réhabilitation et réalisation des ouvrages de formation et d'assainissement au niveau de l'Ecole de Gendarmerie de Rosso	27-11-2019	28-01-2019	Mauritania	24511
16	2018	Travaux de Construction des ouvrages de formation au niveau de l'Ecole des Services de Santé des Forces Armées et de Sécurité de Nouakchott	27-01-2020	28-01-2019	Mauritania	24511
17	2017	Appui au Maître d'ouvrage pour le suivi des travaux de construction de l'Académie de Police à Kimpoko	14-04-2020	16-08-2017	Democratic Republic of Congo	34692
18	2017	Renforcement des capacités judiciaires des États membres de la CEEAC pour la lutte contre la criminalité liée aux espèces sauvages et le trafic des ressources naturelles	18-12-2021	19-12-2017	Central Africa Region - EDF	39813
19	2018	Marché de fournitures d'équipements, matériels et consommables médicaux, radiologie mobile, radiologie dentaire, stomatologie, stérilisation, laboratoire - LOT N°2	11-08-2018	28-05-2018	Mauritania	24511

20	2018	Marche de fournitures - Ambulance équipée - lot 4	13-05-2018	15-03-2018	Mauritania	24511
21	2017	Evaluation à mi-parcours de PROGRESS	31-12-2017	01-11-2017	Democratic Republic of Congo	36193
22	2017	West Africa Police Information System Programme (WAPIS 3)	15-06-2022	16-11-2017	West Africa Region	38921
23	2017	Additional Services to the TA for the PREPARATION OF AN EAC program to support Peace and Security under the 11TH EDF Regional Indicative Programme for East African Community	28-07-2018	29-11-2017	Eastern, Southern Africa and the Indian Ocean	38751
24	2017	Assistance technique pour la mise en oeuvre du Programme de coopération pour la sécurité intérieure entre le Sénégal et l'Union européenne (SECSEN-UE)	30-11-2020	01-12-2017	Senegal	38567
25	2017	Programme d'Appui à la Réforme du Secteur de Sécurité - volet sécurité intérieure - PARSS3 - MSPC	01-03-2021	02-11-2017	Guinea (Conakry)	38628
26	2017	Institutional Development and Capacity Building for the FGS Ministry of Internal Security	31-12-2019	01-01-2018	Somalia	37616
27	2018	Lot 2: Fourniture, livraison, déchargement, installation, configuration et mise en service des matériels, des logiciels et des accessoires informatiques pour le compte des différents services du MDNAC-R et des FARDC	18-06-2018	19-02-2018	Democratic Republic of Congo	36193
28	2018	Lot 3: Fourniture, livraison, déchargement, installation, configuration et mise en service des Kits biométriques, logiciels et accessoires pour le compte des différents services du MDNAC-R et des FARDC	15-06-2018	15-02-2018	Democratic Republic of Congo	36193
29	2018	Avenant n°1 au DPP PAASIT - et augmentation du budget	31-12-2021	01-03-2018	Chad	39069
30	2018	Lot 1: Fourniture, livraison, déchargement, installation, configuration, mise en service et service après-vente de serveurs, logiciels et accessoires informatiques pour la DInfor et le SCIFA (Min. Défense)	23-12-2018	26-08-2018	Democratic Republic of Congo	36193
		Lot 4: Fourniture, livraison, déchargement, installation, configuration et mise en service des équipements,			Democratic	

31	2018	matériels de télécommunication et accessoires pour la réhabilitation, la remise en état opérationnel et l'extension du réseau FARDC	03-01-2019	05-09-2018	Democratic Republic of Congo	36193
32	2018	Lot 3 climatisation et réseau électrique pour hopital mobile	16-08-2018	03-06-2018	Mauritania	24511
33	2018	Evaluation finale du Programme d'Appui à la Formation de la Police (PAFP) combinée avec l'évaluatoïn à mi-parcours du Programme d'Appui au Secteur de la Justice (PASJ)	29-01-2019	20-08-2018	Togo	24565
34	2019	FED/2019/ 401-068	30-06-2020	01-07-2019	Mauritania	24511
35	2019	Passation de marchés de travaux et de fournitures dans le cadre du programme de coopération pour la sécurité intérieure entre le Sénégal et l'Union européenne (SENSEC-UE)	26-02-2021	27-02-2019	Senegal	38567
36	2018	Post-evaluation of CRIMLEA I and II	21-03-2019	21-01-2019	Eastern, Southern Africa and the Indian Ocean	38698
37	2018	MASE Regional Patrols at Sea by the Mauritius Coast Guard - Mauritius	10-12-2021	11-12-2018	Eastern, Southern Africa and the Indian Ocean	24098
38	2018	MASE Regional Patrols at Sea by the Seychelles Coast Guard- Seychelles	10-12-2021	11-12-2018	Eastern, Southern Africa and the Indian Ocean	24098
39	2018	MASE- Regional Patrols at sea with Malagasy Coastguard - Madagascar	10-12-2021	11-12-2018	Eastern, Southern Africa and the Indian Ocean	24098
40	2018	NASE-Regional Patrols at sea - Comoros	10-12-2021	11-12-2018	Eastern, Southern Africa and the Indian Ocean	24098
41	2018	Décaissement appui budgétaire RSS	10-12-2022	11-12-2018	Central African Republic	40365
42	2019	Partnership Coordination Facility Project for Somalia	31-07-2020	01-02-2018	Somalia	38756
43	2019	expenditure verification of MASE PE 3 and EA-SA TTFP PE 1	30-06-2020	01-07-2019	Tanzania	24098

According to our first estimates, the handling of your request would take 45 working days^[4] per project, broken down as follows:

- identification of the documents falling under your request: 5 working days;
- retrieval and establishment and verification of a complete list of the documents identified: 3 working days;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001: 20 working days;
- drafting of the reply: 2 working days;
- drafting of those parts of the documents to which one or several exceptions apply(ies): 7 working days;
- internal review and approval of the draft decision on your request: 3 working days;
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative treatment,...): 5 working days.

It follows that, according to our first estimates, the documents that could possibly be dealt with within the extended deadline of 30 working days would concern a maximum of 2 projects included in the above list.

In order to enable us to respect the time-limits of Regulation (EC) No 1049/2001, we would ask you for a swift reply to our invitation to propose a fair solution, within five working days at the latest:

by email to: EUROPEAID-B5@ec.europa.eu

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days.

Thank you in advance for your understanding.

Yours faithfully,

DEVCO B5<image001.gif>
European Commission
DG International Cooperation and Development - EuropeAid
Unit B5 – **Security, Nuclear Safety**
L41 02/125
B-1049 Brussels/Belgium

[1] For more information on the countries in which DG DEVCO operates you may consult our website following the link: https://ec.europa.eu/international-partnerships/where-we-work_en

[2] Judgment of the Court of Justice of 2 October 2014, *Strack v European Commission*, C-127/13, (hereinafter referred to as the '*Strack v Commission* judgment'), EU:C:2014:2250, paragraphs 26-28.

[3] *Strack v Commission* judgment, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012, *EnBW Energie Baden-Württemberg v European Commission*, T-344/08, EU:T:2012:242, paragraph 105.

[4] Taking into account other applications for access to documents and other tasks that the staff concerned are likely to have to deal with during the same period.

