



AFFGEN.2  
Head of Division

Brussels, 29 OCT. 2019  
eeas.sg.affgen.2 (2019) 7131933

Mr [REDACTED]

*Subject: Your request for access to documents of 5 October 2019*  
*Our ref: 2019/151*

Dear Mr [REDACTED]

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:

1. European Council conclusions, 20 March 2015
2. European Council conclusions, 28 June 2018
3. Information note for the attention of Chef de Cabinet Stefano Manservigi, 20 January 2016
4. Information note for the attention of Chef de Cabinet Fabrizia Panzetti, 13 May 2016
5. EEAS East Stratcom Task Force: Two years on, ten recommendations, October 2017
6. EEAS East Stratcom Task Force: Two years on, outcomes 27 October 2017
7. EEAS East Stratcom Task Force: Two years on, achievements and recommendations, 27 October 2017
8. Note to the Secretary General, East Stratcom Task Force support to Delegations, November 2018
9. East Stratcom Task Force Business Plan, October 2018, August 2019
10. East Stratcom Task Force Highlights 2018
11. Factsheet: Russian election meddling and pro-Kremlin disinformation, May 2019

I have the pleasure to forward these documents in attachment to this letter. Names have been redacted from the documents in order to respect Article 4(1)(b) of the Regulation concerning privacy and protection of personal data. Furthermore, on page 1 in document number 3, the names of Member States were redacted based on Article 4(1)(a) of the Regulation.

We kindly remind you that the documents provided may be reused provided that the source is acknowledged and that you do not distort the original meaning or message of the document.

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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").

Please note that the EEAS does not assume liability stemming from the reuse. In case of doubt on reuse please do contact the EEAS prior authorization.

We also want to bring to your attention that further information and results of the activities of the East Stratcom Task Force can be found at the website [www.euvsdisinfo.eu](http://www.euvsdisinfo.eu). It also contains information on the European elections (<https://euvsdisinfo.eu/european-elections-2019/> and <https://euvsdisinfo.eu/eu-elections-and-a-state-of-denial/>).

Monitoring of disinformation cases during the elections, 39 results with a keyword "EU elections" can be found here: [https://euvsdisinfo.eu/disinformation-cases/?text=&date=&disinfo\\_keywords%5B%5D=EU+elections+2019](https://euvsdisinfo.eu/disinformation-cases/?text=&date=&disinfo_keywords%5B%5D=EU+elections+2019)

Pro-Kremlin disinformation has also been analysed and presented in several analytical articles ahead of the elections:

<https://euvsdisinfo.eu/eu-elections-update-the-long-game/?highlight=elections>

<https://euvsdisinfo.eu/eu-elections-update-reaping-what-was-sown/?highlight=elections>

<https://euvsdisinfo.eu/trolling-european-elections-2014-2019/?highlight=greece>

This work is further referenced in the Report on the Implementation of the Action Plan against disinformation (Brussels, 14.6.2019 JOIN(2019) 12 final):

*"At this point in time, available evidence has not allowed to identify a distinct cross-border disinformation campaign from external sources specifically targeting the European elections. However, the evidence collected revealed a continued and sustained disinformation activity by Russian sources<sup>4</sup> aiming to suppress turnout and influence voter preferences. These covered a broad range of topics, ranging from challenging the Union's democratic legitimacy to exploiting divisive public debates on issues such as of migration and sovereignty. This confirms that the disinformation campaigns deployed by state and non-state actors<sup>5</sup> pose a hybrid threat to the EU."*

See: [https://eeas.europa.eu/sites/eeas/files/joint\\_report\\_on\\_disinformation.pdf](https://eeas.europa.eu/sites/eeas/files/joint_report_on_disinformation.pdf)

INTCEN documents in this domain are based on classified contributions from EU Member States intelligence and security services. These assessments are classified as EU SECRET, which indicates that the documents contain information and material a disclosure of which could seriously harm the essential interests of the EU or one or more of the Member States.<sup>2</sup>

Furthermore, disclosure would risk endangering the sources and methods through which the information was collected in the Member States. If even partially released, it would lead to a serious breach of trust between INTCEN and the contributing Member States, which could result in Member States refusing to contribute to INTCEN assessments. That would deprive the EU institutions of crucial information in this field which they need in order to execute their policy.

It is therefore of outmost importance to protect this information and analysis, and any data that might indicate, even indirectly, how intelligence and security services compile such information.

Additionally, these documents contain information which is still valid today, and if made public, could seriously harm EU interests related to public security and international relations.

Please note also that in accordance with Article 9(1) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents, the documents referred to above and issued by INTCEN with the classification levels, SECRET UE/EU SECRET or

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<sup>2</sup> Based on COUNCIL DECISION of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU).

CONFIDENTIEL UE/EU CONFIDENTIAL, by reason of their specific content, constitute sensitive documents in the sense of that provision. Under paragraph 3 of Article 9, an institution may decide not to record such sensitive documents in the register and therefore decide not to reveal their mere existence. This has been confirmed by the case law of the Court of Justice of the European Union, such as *Sison v Council of the European Union* (C-266/05P) where the Court stated the following (bold text inserted for emphasis):

*“101. In view of the special nature of sensitive documents, Article 9(3) of Regulation No 1049/2001 requires the consent of the originating authority before such documents are recorded in the register or released. As the Court of First Instance correctly held in paragraph 95 of the judgment under appeal, it is clear from those provisions **that the originating authority of a sensitive document is empowered to oppose disclosure not only of that document's content but even of its existence.***

*102. That originating authority is thus entitled to require secrecy as regards even the existence of a sensitive document and, in that regard, as the Council contends before the Court, the Court of First Instance acted correctly in law when it concluded, in paragraph 96 of the judgment under appeal, that such authority also has the power to prevent disclosure of its own identity in the event that the existence of that document should become known.*

*103. That conclusion, which is thus inevitable in the light of the wording of Article 9(3) of Regulation No 1049/2001, is explicable in the light of the **special nature of the documents covered by Article 9(1), the highly sensitive content of which justifies, as stated in the ninth recital in the preamble to that regulation, the requirement that they be given special treatment.** That conclusion cannot therefore be held to be disproportionate on the ground that it may give rise, for an applicant refused access to a sensitive document, to additional difficulty, or indeed practical impossibility, in identifying the State of origin of that document.”*

In line with the applicable legal provisions and well-established case law, as well as due to the sensitive content of the documents concerned, the EEAS has thus decided not to list the sensitive documents produced by INTCEN in the public register of the Council. For the same reason, the EEAS has also decided not to establish a list of these documents for the purposes of the register.

For the reasons as described above, the EEAS is currently not in a position to provide the documents that INTCEN produced, neither as a whole nor partially, pursuant to Article 4(1)(a)1st indent and Article 4(1)(a)3rd indent of Regulation 1049/2001.

Moreover we are unable to identify any overriding public interest in disclosure.

Should you wish this position to be reviewed, you may confirm your initial request within 15 working days.

Yours sincerely,

