Subject: Your application for access to documents 2024/0445

Dear Ms. Jegen,

We refer to your request for access to European Commission documents registered on 25/01/2024 under the above-mentioned reference number.

You request access to “documents which contain the following information relating to T05-EUTF-SAH-SN-10, Partenariat Opérationnel Conjoint (POC) de lutte contre l’immigration irrégulière, la traite et le trafic de migrants au Sénégal:

- Any end of project reporting
- Any final project evaluation
- Any plans for successor projects and related programme fiches”.

The following documents fall within the scope of your application:

1. Partenariat Opérationnel Conjoint de lutte contre l’immigration irrégulière, le trafic de migrants et la traite des êtres humains au Sénégal - Rapport final, Ares(2024)641031

2. Évaluation à mi-parcours du POC – Partenariat Opérationnel Conjoint – Renforcement des capacités des forces de sécurité du Sénégal dans la lutte contre le trafic de migrants et la traite des personnes, Ares(2023)4586998. Please note that there is no final evaluation conducted at this stage.

3. Annual action plan 2022 for Senegal – Available on the following link: Senegal - European Commission (europa.eu). There is indeed a successor project to the POC. It is one of the components of the new project "Appui à la stabilité et la sécurité intérieure au Sénégal" from Annual Action Plan 2022 (see annex 2).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that
documents 1 and 2 may be partially disclosed. Some parts of the documents 1 and 2 have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1) and Article 4(2) of this Regulation. The detailed reasons are set out below.

1. Protection of international relations

A complete disclosure of the requested documents is prevented by the exception concerning the protection of international relations outlined in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001.

The documents contain information relating to national security institutions, their internal organisations, capacities and equipment as well as to national security infrastructures. It also contains actions led by EU Member States security institutions and their staff in the country. Disclosure of this information to the public poses a real risk of undermining the international relations with the Government of Senegal, main beneficiary of the EU support.

2. Protection of privacy

A complete disclosure of the requested documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names initials and contact details of other natural persons;

- handwritten signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

3. Protection of commercial interests, including intellectual property

A complete disclosure of the requested documents is prevented by the exception concerning the protection of commercial interests, including intellectual property, outlined in Article 4(2) first indent of Regulation (EC) No 1049/2001.

The documents contain information with a competitive value (reference to the methodology used to prepare and carry out some activities, methodology used for the analysis of national data, internal organisation of tasks, amount allocated to tenders, choice of some specific equipment). Disclosure of this information to the public poses a real risk of undermining the commercial interests of CIVIPOL.

The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. The exception laid down in
Article 4(2) first indent of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure. In your application, you do not put forward any reasoning pointing to an overriding public interest in disclosing the documents requested. Nor have I been able to identify any public interest capable of overriding the interests protected by Article 4(2), first indent and Article 4(3) of Regulation (EC) No 1049/2001.

I conclude, therefore, that the protection of commercial interests prevails.

**Disclaimers**

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](https://www.ec.europa.eu/transparency/documents). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents 1 and 2 is a study carried out by external experts. It does not reflect the position of the Commission and cannot be quoted as such.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

**Means of redress**

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

- **by asking for a review via your portal**¹ account (available only for initial requests submitted via the portal account),
- **by mail:**
  
  European Commission
  
  Secretariat-General

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Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Koen DOENS

Enclosure:  Partenariat Opérationnel Conjoint de lutte contre l’immigration irrégulière, le traffic de migrants et la traite des êtres humains au Sénégal - Rapport final  
Évaluation à mi-parcours du POC – Partenariat Opérationnel Conjoint – Renforcement des capacités des forces de sécurité du Sénégal dans la lutte contre le trafic de migrants et la traite des personnes  
Annual action plan 2022 for Senegal