



SG.2
Head of Division

Brussels, 1 April 2022
eeas.sg.2 (2022) 2226413

To
Mr Maximilian Henning,
by electronic mail

Subject: Your request for access to documents of 23 February 2022
Our ref: 2022/033

Dear Mr Henning,

I would like to thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.¹

Following your request, we have searched for the “documents that pay reference to the contract and all additional documents, especially reviews, reports, comments etc., concerning the provision of security to the EU delegation in Afghanistan by GardaWorld, as mentioned in these two media reports: <https://www.intelligenceonline.com/corporate-intelligence/2018/11/07/amarante-and-garda-land-e85-million-kabul-prize,108331183-art> and <https://www.thereference-paris.com/17732>” in the EEAS filing systems, document management databases and archives.

After this search, the EEAS has identified the following documents matching your request, as referenced hereafter:

1. Contract award notice
<https://ted.europa.eu/udl?uri=TED:NOTICE:520685-2018:TEXT:EN:HTML&src=0>
2. Contract notice
<https://ted.europa.eu/udl?uri=TED:NOTICE:055842-2018:TEXT:EN:HTML>
3. Procurement documents
<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3231>
4. 69 documents filled in ARES, related to technical specifications, financial offer, monthly specific contracts and contract amendments
5. 97 documents filled in ARES, related to invoices, monthly reports and payments

¹ 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").

Following our examination of the documents above, I am pleased to send you the links to the documents 1, 2 and 3. I take this opportunity to remind you that the documents provided may be reused on condition that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the EEAS does not assume liability stemming from their reuse. In case of doubt on reuse, please contact the EEAS for prior authorization.

I regret to inform you that we are not in a position to disclose any of the documents listed on the points 4 and 5 above, neither as a whole or partially, since it would make public the security setup, it would reveal security procedures and expose possible existing vulnerabilities, if any, of the EU Delegation in Afghanistan. Such information, if publicly disclosed, may put at risk the safety and security of EU staff based in Kabul and the assets of the Delegation.

In addition, these documents contain sensitive commercial information of the successful candidate, such as the prices that were offered for each post and service, yearly turnovers, operating plans, and information on other clients that were key aspects during the evaluation of the tenders. Disclosure of these documents to the general public would harm the legitimate commercial interests of the successful candidate and other private parties, and the EEAS could be seen as the actor facilitating industrial/corporate espionage.

Therefore, I regret to inform you that we are not in a position to disclose documents under points 4 and 5, neither as a whole or partially, since it would seriously undermine protection of public security, as well as commercial interests of a legal person, as per Article 4(1)(a), first indent and Article 4(2), first indent of the Regulation 1049/2001.

Should you wish this position to be reviewed, you may confirm your initial request by lodging a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation 1049/2001.

Yours sincerely,

[e-signed]

Nereo Penalver Garcia