Subject: Your request for access to documents
Our ref: 2020/002

Dear Mr Rowley,

Thank you for your confirmatory application of 3/3/2020, following your request for access to documents.

I have therefore carefully studied your initial request, dated 13/1/2020, as well as the EEAS' reply 2020/002, which was sent to you on 25/2/2020. You initially requested documents relating to Lydian International's Amulsar gold mine in Armenia held, created or received by EEAS in 2018 and 2019. In your confirmatory application, you reiterated your request regarding the access to documents mentioned above, and you extended your request also to documents relating, for example, to meetings held by the EU Heads of Mission with Armenian Prime Minister Nikol Pashinyan and all information relating to the ongoing and potential environmental impacts of the mine.

Following your confirmatory request, both the relevant EEAS Division and EU Delegation in Yerevan have searched again for the documents, based on your request. However, no additional document matching your request could be found in our document management systems, databases or filing systems.

Concerning the Internal Note on Amulsar of 17 October 2019, after careful re-assessment I have decided to disclose some of the originally redacted paragraphs on pages 1, 2, 4, 5 and 6, since they can be considered of a factual nature. I am therefore pleased to forward these paragraphs to you in attachment to this letter.

However, in addition to the explanations provided in our initial reply, I would like to reiterate that a full public release of the whole document would reveal assessments concerning aspects and impact of this project by the EU delegation in Yerevan intended for internal use only. These assessments are elaborated exclusively for the information of the EU representatives and for enabling them to shape EU’s approach towards its international partners. They are drawn under assumption that they will not be revealed to our international counterparts or to the general
public thus allowing its authors to express themselves freely in the diplomatic environment and inform the EU representatives without the constraints of public communication. A unilateral release of politically sensitive information could wrongly be perceived by the third state or it could negatively influence public opinion in Armenia. Moreover, an unimpeded access to the public of the internal note would also give valuable information to the adverse actors to jeopardize the success of possible future EU diplomatic moves.

Therefore, for the reasons explained above, I must confirm that the EEAS is not in the position to disclose this document fully, since it could seriously undermine the international relations as per Article 4(1)(a) of the Regulation.

I take this opportunity to remind you that the document provided may be used provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that the EEAS does not assume liability stemming from the use. In case of doubt, please do contact the EEAS for prior authorization.

If you are not satisfied with this response you may, in accordance with Article 8 of the Regulation, institute court proceedings against the European External Action Service or make a complaint to the Ombudsman, under the conditions laid down in Articles 263 and 228 of the Treaty on the Functioning of the EU respectively.

Yours sincerely,

Gianmarco Di Vita