



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 June 2013**

**9438/13**

**INF 83  
API 51**

**NOTE**

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from : General Secretariat of the Council  
to : Working Party on Information

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Subject : Public access to documents  
- Confirmatory application No 12/c/01/13

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Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 19 March 2013 and registered on 19 March 2013 ([Annex 1](#))
- reply from the General Secretariat of the Council dated 6 May 2013 ([Annex 2](#))
- confirmatory application dated 10 May 2013 and registered on the same day ([Annex 3](#))

**[E-mail message sent on 19 March 2013 - 10:35]**

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application

This electronic form has been submitted in **EN**

First Name: **DELETED**

Family Name: **DELETED**

Postal Address:

Street:

Town:

Country:

PostCode:

Gender:

Age:

Phone:

Email: **DELETED**

Economic Category:

Initial question:

Dear Sir or Madam,

I am contacting you on behalf of a research project we are working on. The project is on the EU's relations to the Central Asian and the South Caucasus states. In this context we have been looking through the EU Annual Reports on Human Rights. To that effect we have noted, that to the countries we are looking at have been sent demarches by the EU. As we hope that we can get useful insights from these documents I would like to ask you hereby to grant me as much access to these demarches as possible. In particular I am talking about the following human rights reports in which the following countries were mentioned:

2008: Armenia, Azerbaijan and Georgia;

2009: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan;

2010: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan;

2011: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan;

Furthermore I would be very thankful if you could tell me whether to the states of Central Asia and South Caucasus have been issued any more demarches than are mentioned in the annual human rights reports as in these reports it is stated, that demarches have been sent to the countries named there “inter alia”.

Yours sincerely,

**DELETED**

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**COUNCIL OF  
THE EUROPEAN UNION**

**GENERAL SECRETARIAT**

*Directorate-General F  
Communication  
Transparency*

*- Access to Documents/  
Legislative transparency*

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[access@consilium.europa.eu](mailto:access@consilium.europa.eu)

Brussels, 6 May 2013

**DELETED**

**e-mail: DELETED**

**Ref. 13/0453-ws/jj**

Dear **DELETED**,

We have registered your request of 19 March 2013 for access to Council documents. Thank you for your interest.

The General Secretariat of the Council (GSC) has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents<sup>1</sup> (hereafter the "Regulation") and specific provisions of the Council's Rules of Procedure<sup>2</sup>. On 12 April 2013, the time-limit for replying to your application was extended by 15 working days.

Having examined the request, in particular on the basis of the information given by the European External Action Service (EEAS), where relevant GSC services have now been transferred, the GSC has come to the following conclusion:

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<sup>1</sup> Official Journal L 145, 31.5.2001, p. 43.

<sup>2</sup> Annex II to the Council's Rules of Procedure – Council Decision No 2009/937/EU; Official Journal L 325, 11.12.2009, p. 35.

The EEAS has identified the following démarches:

2008:

08.02.2008	The case of Mr Mussaev
06.06.2008	Uzbekistan: the case of Igor Vorontsov
10.07.2008	Kazakhstan: planned legislation on religion

2009:

06.05.2009	Kazakhstan: ratification of the Rome statute constituting the ICC
03.06.2009	Azerbaijan: the universality of the Rome statute of the ICC
08.07.2009	Kazakhstan: media law

2010:

March 2010	Tajikistan: Judicial actions against the media
March 2010	Uzbekistan: Situation of local human rights activist
May 2010	Kazakhstan: Promotion of the universality of the Rome Statute of the ICC
May 2010	Armenia: Promotion of the universality of the Rome Statute of the ICC

2011:

May 2011	Kyrgyzstan: Promotion of the universality of the Rome Statute of the ICC
June 2011	Kazakhstan: Promotion of the universality of the Rome Statute of the ICC
Nov. 2011	Armenia, Azerbaijan: Promotion of the universality of the Rome Statute of the ICC

Such démarches are carried out under conditions of diplomatic confidentiality. Their release would in general affect relations with the countries concerned and weaken the position of the EU in the framework of such démarches. Where démarches are carried out on behalf of specific individuals, release would also affect their personal integrity.

The examination of the requested documents has not revealed any case where the situation would be different from what is set out above.

Accordingly, pursuant to Article 4(1)(a), third indent of the Regulation (protection of the public interest with regard to international relations) and with regard to démarches carried out on behalf of specific individuals also pursuant to Article 4(1)(b) of the Regulation (protection of privacy and the integrity of the individual), the General Secretariat is unable to accede to your request.

Furthermore, the mentioned exceptions apply to all parts of relevant documents and partial access, as provided for in Article 4(6) of the Regulation therefore cannot be granted either.

Statutory remedy notice

Pursuant to Article 7(2) of the Regulation, you may submit a confirmatory application requesting the Council to reconsider this position, within 15 working days of receiving this reply<sup>1</sup>.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

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<sup>1</sup> Should you decide to do so, then please indicate whether you permit the Council to make your confirmatory application fully public in the Council's Register of documents. If you do not reply or reply in the negative, then your application will be dealt with confidentially. Your reply will in no way prejudice your rights under Regulation (EC) No 1049/2001.

**[Confirmatory application - sent by e-mail on 10 May 2013 - 8:58]**

Subject: RE: Ref. 13/0453-ws/jj

hereby I would like to make a confirmatory application on the  
**Ref. 13/0453-ws/jj.**

Best regards,

**DELETED**

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**DELETED**

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