



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 April 2012

8356/12

**INF 54
API 35
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NOTE

from :	General Secretariat of the Council
to :	Working Party on Information
Subject :	Public access to documents
	- Confirmatory application No 08/c/02/12

Delegations will find attached:

- request for access to document sent to the General Secretariat of the Council on 21 February 2012 and registered on 22 February 2012 ([Annex 1](#))
- reply from the General Secretariat of the Council dated 21 March 2012 ([Annex 2](#))
- confirmatory application dated 28 March 2012 and registered on the same day ([Annex 3](#))

[E-mail message sent on 21 February 2012 - 19:05]

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 **FR**

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone:

Mobilephone:

Fax:

Requested document(s):

Report on the priorities for the successful development of a common readmission policy (11505/04, MIGR 63, 26/07/2004)

1st preferred linguistic version: FR - Français

2nd preferred linguistic version: EN - Anglais



**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

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Press
Communication
Transparency*

*- Access to Documents/
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Brussels, 21 March 2012

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12/0307-nh/ns

Dear **DELETED**,

Your request of 21 February 2012 for access to document 11505/04 was registered on 22 February 2012 by the "Access to Documents" unit. Thank you for your interest.

The General Secretariat of the Council 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 (Official Journal L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, Official Journal L 325, 11.12.2009, p. 35). On 14 March 2012, the time-limit for replying to your application was extended by 15 working days. Having examined the request, the General Secretariat has come to the following conclusion: and has come to the following conclusion:

Document 11505/04 is classified as "RESTREINT UE", which means that the unauthorised disclosure of the information it contains could be disadvantageous to the interests of the European Union or of one or more of its Member States. This document contains a Communication from the Commission to the Council and the European Parliament - Report on the priorities for the successful development of a common readmission policy. It describes in detail the possible new priorities of a common readmission policy as well as the different political and technical difficulties encountered in the readmission negotiations with various third countries. Even though this document dates from 2004, the General Secretariat considers that this information is sensitive and its disclosure would undermine the EU's position in future negotiations with third states in this field and be prejudicial to the European Union's interest in the efficient conduct of such negotiations.

Accordingly, pursuant to Article 4(1)(a) of Regulation (EC) No 1049/2001 (protection of the public interest with regard to international relations), the General Secretariat is not in a position to grant full access to this document .

However, by virtue of the provisions of Article 4 (6) of the Regulation, you may have access to those parts of the document, which are not concerned by the above-mentioned exception. These parts are contained in document 11505/04 EXT 1.

According 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 reply¹.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

Enclosure

¹ 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 28 March 2012 - 15:27]

Dear Mr Thomsen,

I duly note your decision of 21 March 2012 refusing access to document 11505/04.

I should like to reaffirm my wish to have access to this document. Over and above the grounds you adduce, it would seem to be a matter of public interest to know what criteria are used to evaluate readmission agreements. Moreover, it is a principle of good governance that any evaluation should be based on transparent criteria and that the findings should be made public.

Nor do I understand the argument about some sort of impediment to international relations, since the point at issue is not any particular negotiation with a third country but a general approach, notably concerning the priorities of a common readmission policy. This is indeed an EU policy and, as such, it should be accessible to the public, and more especially the guidelines for it. Your refusal of my request means that citizens will be prevented from learning about this EU policy since it always (or almost always) concerns relations with third countries, making it, in your view, a case in which disclosure could undermine negotiations with any such countries.

I would therefore ask you to amend your decision to refuse access to this document.

I should be obliged if you would acknowledge receipt of this request.

I look forward to your reply.

With my sincere regards,

DELETED
