



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 September 2012**

**13304/12**

**INF 128  
API 79**

**NOTE**

---

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

---

Subject : Public access to documents  
- Confirmatory application No 16/c/01/12

---

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 8 June 2012 and registered on the same day ([Annex 1](#))
- reply from the General Secretariat of the Council dated 29 June 2012 ([Annex 2](#))
- confirmatory application dated 20 July 2012 and registered on 23 July 2012 ([Annex 3](#))

[E-mail message sent on 08 June 2012 - 16:42]

Subject: Council conclusions

dear Secretariat General,

Please would you provide me access to a document or documents describing the basis on which the Council adopts conclusions.

Thank you in advance.

Kind regards,

**DELETED**

---

[E-mail message sent on 29 June 2012 - 16:41]

Subject: RE: Council conclusions - Our ref. 12/0998

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.

The Council Rules of Procedure is the document that lays down the provisions governing the Council's proceedings; they describe in detail the functioning of the Council, its organisation and procedures. The Council Rules of Procedure are public and they are always published in the Official Journal of the European Union.

On 1 December 2009, the Council adopted the most recent version of its Rules of Procedure comprising the modifications necessary for the implementation of the Treaty of Lisbon (OJ L 325, 11.12.2009, p. 35–35).

The Council's Rules of Procedure are available for downloading in EUR-Lex (the website for access to European union law). You will find it using the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:325:0035:0061:EN:PDF>

Yours sincerely,  
For the General Secretariat of the Council  
Transparency Team - Access to documents  
Tel. +32-2-281 6710

---

[Confirmatory application - sent by e-mail on 20 July 2012 - 22:17]

Subject: Confirmatory application for access to a document: “Basis for adopting Council conclusions” (ref 12/0998)

Dear General Secretariat & Council delegations,

**Confirmatory application for access to a document: “Basis for adopting Council conclusions” (ref 12/0998)**

I hereby respectfully submit the following confirmatory application, which is made on the basis that the Council’s general secretariat did not provided access to a document matching my initial application nor provided no reasons for not doing so.

On behalf of WWF on 8 June 2012 I made an initial application as follows: “*Please would you provide me access to a document or documents describing the basis on which the Council adopts conclusions. Thank you in advance.*”

On 29 June, the General Secretariat sent a reply pointing only to the Council’s published rules of procedure, in particular those in force as from 1 December 2009 (OJ L325 1999).

In no place do the Council’s rules of procedure as cited above describe “the basis on which the Council adopts conclusions”.

By not providing access to a document or documents corresponding to my initial request and by not providing reasons for refusal, the General Secretariat has not answered my initial application correctly in accordance with the relevant provisions of Union law.

On three occasions during 2011 and 2012, the Council failed to adopt draft conclusions prepared by the then Presidency-in-office in circumstances where, in each case, only one single delegation could not accept the final draft text. In all instances, this failure to act occurred in areas of Union shared competence in which the Council and other institutions act by qualified majority, namely the competences of environment and of energy.

As a basic principle of democratic societies, citizens, representative and other organisations are entitled to know the basis on which political institutions act in their name. Consequently I hereby repeat my request for the Council to provide access to a document or documents describing the basis on which it adopts conclusions.

Thank you for your kind attention to this important issue.

Kind regards,

**DELETED**

\_\_\_\_\_