



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 September 2012

13310/12

**INF 134
API 85**

NOTE

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

Subject : Public access to documents
- Confirmatory application No 18/c/01/12

Delegations will find attached:

- Annex 1: requests for access to documents sent to the General Secretariat of the Council on:
 - 16 June 2012 and registered on 18 June 2012 (No 12/1056-12/1070, except for No 12/1059),
 - 23 June 2012 and registered on 25 June 2012 (No 12/1099)
 - 30 June 2012 and registered on 2 July 2012 (No 12/1140)
 - 7 July 2012 and registered on 9 July 2012 (No 12/1191)
 - 12 July 2012 and registered on 13 July 2012 (No 12/1219 and 12/1220)
- Annex 2: reply from the General Secretariat of the Council dated 30 July 2012
- Annex 3: confirmatory application dated 9 August 2012 and registered on 10 August 2012

[E-mail messages sent on 16 June 2012 10:37-16:07]

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On behalf of: **DELETED**

Address: **DELETED**

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Requested document(s):

Request no 12/1056:

Document Number: 10081/09 Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report of 18 May 2009

Subject matter: COPS 285

PESC 665

CIVCOM 349

COSDP 471

COWEB 93

JAI 313

EU-LEX 37

Document date: 19.05.2009

Archive date: 10.06.2009

Request no 12/1057:

Document number: 10111/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) weekly Mission Report 19/09

Subject matter : COPS 288

PESC 671

CIVCOM 355

COSDP 479

COWEB 94

JAI 317

EU-LEX 38

Document date: 20.05.2009
Archive date: 10.06.2009

Request no 12/1058:

Document number: 10439/09
Title :European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 20/09
Subject Matter: COPS 307
PESC 711
CIVCOM 380
RELEX 517
COSDP 505
COEST 198
JAI 342
COHOM 124
EUMM Georgia 71
COWEB 100
EU-LEX 40
Document date: 02.06.2009
Archive date: 03.06.2009

Request no 12/1060

Document number: 10819/09
Title : European Union Rule of Law Mission (EULEX KOSOVO) Monthly Assessment Report 05/09
Subject matter: COPS 338
PESC 777
CIVCOM 418
COSDP 553
COWEB 110
JAI 375
EU-LEX 42
Document date: 17.06.2009
Archive date: 18.06.2009

Request no 12/1061

Document number: 10676/09
Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 21/09
Subject matter : COPS 320
PESC 741
CIVCOM 397
COSDP 530
COWEB 103
JAI 358
EU-LEX 41
Document date: 08.06.2009
Archive date: 17.06.2009

Request no 12/1062

Document number: 11142/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 23/09

Subject matter : COPS 361

PESC 841

CIVCOM 448

COSDP 587

COWEB 119

JAI 410

EU-LEX 45

Document date: 19.06.2009

Archive date: 24.06.2009

Request no 12/1063

Document number: 11332/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 24/09

Subject matter : COPS 369

PESC 857

CIVCOM 461

COSDP 602

COWEB 122

JAI 420

EU-LEX 47

Document date: 26.06.2009

Archive date : 30.06.2009

Request no 12/1064

Document number: 11442/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 25 June 2009

Subject matter : COPS 375

PESC 868

CIVCOM 468

COSDP 611

COWEB 124

JAI 427

EU-LEX 48

Document date: 26.06.2009

Archive date: 30.06.2009

Request no 12/1065

Document number: 11459/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 26 June 2009

Subject matter : COPS 377

PESC 871

CIVCOM 470

COSDP 614

COWEB 125
JAI 429
EU-LEx 49
Document date: 29.06.2009
Archive date: 30.06.2009

Request no 12/1066

11651/09
Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 25/09
Subject matter : COPS 386
PESC 892
CIVCOM 481
COSDP 632
COWEB 129
JAI 445
EU-LEX 50
Document date: 03.07.2009
Archive date : 07.07.2009

Request no 12/1067

Document number: 11262/1/09
REV 1
Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Six-Monthly Report 02/09
Subject matter: COPS 365
PESC 852
CIVCOM 456
COSDP 597
COWEB 121
JAI 414
EU-LEX 46
Document date: 03.07.2009
Archive date : 07.07.2009

Document number: 11262/09
Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Six-Monthly Report 02/09
Subject matter: COPS 365
PESC 852
CIVCOM 456
COSDP 597
COWEB 121
JAI 414
EU-LEX 46
Document date: 01.07.2009
Archive date : 07.07.2009

Request no 12/1068

Document number: 11741/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Monthly Assessment Report 06/09

Subject matter : CIVCOM 492

COPS 397

COSDP 645

COWEB 131

EU-LEX 51

JAI 454

PESC 903

Document date: 10.07.2009

Archive date : 05.08.2009

Request no 12/1069

Document number: 11751/09

Title : Draft CivCom advice on the EULEX KOSOVO Six-Monthly Report 02/09

Subject matter : CIVCOM 494

COSDP 648

COWEB 132

EU-LEX 52

JAI 456

PESC 906

Document date: 09.07.2009

Archive date : 05.08.2009

Document number: 11751/1/09

REV1

Title : Draft CivCom advice on the EULEX KOSOVO Six-Monthly Report 02/09

Subject matter : CIVCOM 494

COSDP 648

COWEB 132

EU-LEX 52

JAI 456

PESC 906

Document date: 10.07.2009

Archive date : 05.08.2009

Request no 12/1070

Document number: 11984/09

Title : Special Representative of the European Union - Mandate Implementation Progress Report of the EUSR in Kosovo

Subject matter : COWEB 141

PESC 937

Document category: Outcome Proceedings

Originator : Working Party on the Western Balkans Region

Addressee : Political and Security Committee

Document date : 10.07.2009

Date of the meeting: 09.07.2009

Archive date : 10.07.2009

[E-mail message sent on 23 June 2012 10:36-13:07]

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On behalf of: **DELETED**

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Mobilephone: **DELETED**

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Requested document(s):

Document number: 12083/09

Title : Draft CivCom advice on the EULEX Kosovo Six-Monthly Report 02/09

Subject matter : COPS 420

PESC 952

CIVCOM 520

COSDP 682

COWEB 143

JAI 484

EU-LEX 54

Document date: 15.07.2009

Archive date : 19.07.2009

Document number: 11954/09

Title: European Union Rule of Law Mission in Kosovo(EULEX KOSOVO) Weekly Report 26/09

Subject matter: CIVCOM 510

COPS 413

COSDP 668

COWEB 140

EU-LEX 53

JAI 474

PESC 934

Document date: 13.07.2009

Archive Date : 05.08.2009

Document number: 12310/09

Title : European Union Rule of Law Mission (EULEX KOSOVO) Weekly Mission Report 28/09

Subject matter : CIVCOM 546

COPS 446

COSDP 712

COWEB 153

EU-LEX 56

PESC 996

Document date: 24.07.2009

Archive date : 28.07.2009

Document number: 12163/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 27/09

Subject matter : CIVCOM 527

COPS 429

COSDP 691

COWEB 147

EU-LEX 55

JAI 490

PESC 964

Document date : 20.07.2009

Archive date : 28.07.2009

Document number: 12568/09

Title : Council Joint Action 2009/ / CFSP of amending CJA 2009/137/CFSP extending the mandate of the European Union Special Representative in Kosovo - Financial Statement

Subject matter : COWEB 158

COSDP 743

PESC 1035

RELEX 724

Document Category: NOTE

Originator : General Secretariat of the Council

Addressee : Delegations

Document date : 04.08.2009

Archive date : 04.08.2009

Document number: 12503/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 29/09

Subject matter : CIVCOM 560

COPS 456

COSDP 734

COWEB 156

EU-LEX 57

JAI 515

PESC 1024

Document date : 30.07.2009

Archive date : 05.08.2009

Document number: 12612/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Monthly Assessment Report 07/2009

Subject matter : CIVCOM 578

COPS 473

COSDP 752

COWEB 160

EU-LEX 60

JAI 526

PESC 1048

Document date: 11.08.2009

Archive date : 13.08.2009

Document number: 12584/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 30/09

Subject matter : CIVCOM 570

COPS 466

COSDP 745

COWEB 159

EU-LEX 59

JAI 523

PESC 1039

Document date: 10.08.2009

Archive date : 13.08.2009

Document number: 12644/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 31/09

Subject matter : CIVCOM 588

COPS 483

COSDP 762

COWEB 162

EU-LEX 61

JAI 531

PESC 1060

Document date: 14.08.2009

Archive date : 25.08.2009

Document number: 12764/09

Title : European Union Rule of Law Mission (EULEX KOSOVO) Incident Report of 26 - 27 August 2009

Subject matter : CIVCOM 611

COPS 505

COSDP 778

COWEB 169

EU-LEX 66

JAI 540

PESC 1086

Document date: 28.08.2009

Archive date : 02.09.2009

Document number: 12743/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 25 August 2009

Subject matter : CIVCOM 603

COPS 498

COSDP 772

COWEB 166

EU-LEX 64

JAI 537

PESC 1078

Document date: 26.08.2009

Archive date : 02.09.2009

Document number: 12690/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report of 19 August 2009

Subject matter : CIVCOM 595

COPS 490

COSDP 767

COWEB 163

EU-LEX 62

JAI 534

PESC 1069

Document date : 21.08.2009

Archive date : 25.08.2009

Document number: 12863/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 34/09

Subject matter : CIVCOM 616

COPS 509

COSDP 783

COWEB 174

EU-LEX 68

JAI 548

PESC 1092

Document date: 04.09.2009

Archive date : 13.09.2009

Document number: 12754/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 33/09

Subject matter : CIVCOM 605

COPS 499

COSDP 773

COWEB 168

EU-LEX 65

JAI 538

PESC 1080

Document date: 31.08.2009

Archive date : 02.09.2009

Document number: 12778/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report of 28 August 2009

Subject matter : CIVCOM 612

COPS 506

COSDP 779

COWEB 172

EU-LEX 67

JAI 543

PESC 1088

Document date: 31.08.2009

Archive date : 02.09.2009

1st preferred linguistic version: EN - English

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[E-mail message sent on 30 June 2012 10:37-12:37]

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Requested document(s):

Document number: 12946/09

Title : European Union Rule of Law Mission in Kosovo Monthly Assessment Report 08/09

Subject matter : CIVCOM 624

COPS 516

COSDP 792

COWEB 176

EU-LEX 69

JAI 557

PESC 1104

Document date: 08.09.2009

Archive date: 10.09.2009

Document number: 13363/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 16 September 2009

Subject matter : CIVCOM 651

COPS 539

COSDP 828

COWEB 189

EU-LEX 72

JAI 593

PESC 1164

Document date: 18.09.2009

Archive date: 22.09.2009

Document number: 13369/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 36/09

Subject matter : CIVCOM 652

COPS 540

COSDP 830

COWEB 190

EU-LEX 73

JAI 594

PESC 1166

Document date : 18.09.2009

Archive date : 01.10.2009

Document number: 13158/09

Title : European Union Rule of Law Mission in Kosovo (EULEX Kosovo) Weekly Mission Report 35/09

Subject matter : CIVCOM 642

COPS 531

COSDP 813

COWEB 186

EU-LEX 71

JAI 573

PESC 1138

Document date : 14.09.2009

Archive date : 23.04.2009

Document number: 13514/09

Title : European Union Rule of Law Mission (EULEX KOSOVO) Weekly Mission Report 37/09

Subject matter : CIVCOM 660

COPS 546

COSDP 843

COWEB 194

EU-LEX 74

JAI 606

PESC 1184

Document date: 25.09.2009

Archive date : 01.10.2009

Document number: 14184/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 39/09

Subject matter : CIVCOM 710

COPS 586

COSDP 904

COWEB 207

EU-LEX 80

JAI 660

PESC 1265

Document date: 09.10.2009

Archive date : 14.10.2009

Document number: 13893/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 38/09

Subject matter : CIVCOM 677

COPS 558

COSDP 870

COWEB 201

EU-LEX 76

JAI 635

PESC 1219

Document date: 02.10.2009

Archive date: 14.10.2009

Document number: 14183/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Monthly Assessment Report 09/09

Subject matter : CIVCOM 709

COPS 585

COSDP 903

COWEB 206

EU-LEX 79

JAI 659

PESC 1264

Document date: 19.10.2009

Archive date: 25.10.2009

Document number: 14503/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 40/09

Subject matter : CIVCOM 731

COPS 603

COSDP 936

COWEB 219

EU-LEX 82

JAI 684

PESC 1316

Document date: 19.10.2009

Archive date : 25.10.2009

Document number: 14269/09

Title : Draft accountability concept paper proposing the setting up of a human rights review panel for EULEX KOSOVO - Applicable law and other legal questions

Subject matter : JUR 401

CIVCOM 719

PESC 1281

COSDP 917

COWEB 210

JAI 664

EU-LEX 81

Document category: Opinion of the Legal Service
Document date : 09.10.2009
Archive date : 09.10.2009

Document number: 13775/09
Title : Draft revised Annex A of the Operation Plan (OPLAN)for the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO
Subject matter : CIVCOM 673
COPS 557
COSDP 864
COWEB 199
EU-LEX 75
JAI 624
PESC 1212
Document date: 20.10.2009
Archive date: 25.10.2009

1st preferred linguistic version:
2nd preferred linguistic version:

[E-mail message sent on 7 July 2012 10:19-11:50]

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On behalf of: **DELETED**

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Mobilephone: **DELETED**

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Requested document(s):

Document number: 14839/09

Title : European Union Rule of Law in Kosovo (EULEX KOSOVO) Weekly Mission Report 41/09

Subject matter : CIVCOM 756

COPS 620

COSDP 970

COWEB 230

EU-LEX 84

JAI 716

PESC 1380

Document date: 27.10.2009

Archive date : 30.10.2009

Document number: 15081/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 42/09

Subject matter : CIVCOM 774

COPS 632

COSDP 993

COWEB 238

EU-LEX 85

JAI 739

PESC 1416

Document date: 30.10.2009

Archive date : 10.11.2009

Document number: 13894/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report 29
October 2009

Subject matter : CIVCOM 678

COPS 559

COSDP 871

COWEB 202

EU-LEX 77

JAI 636

PESC 1220

Document date: 30.10.2009

Archive date : 10.11.2009

Document number: 14025/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report of 4
November 2009

Subject matter : CIVCOM 692

COPS 570

COSDP 889

COWEB 205

EU-LEX 78

JAI 647

PESC 1240

Document date: 5.11.2009

Archive date :10.11.2009

Document number: 15260/09

Title : Draft revised Operation Plan (OPLAN) for the European Union Rule of Law Mission in
Kosovo, EULEX KOSOVO

Subject matter : CIVCOM 790

COPS 645

COSDP 1024

COWEB 243

EU-LEX 86

JAI 756

PESC 1447

Document date: 10.11.2009

Archive date : 18.11.2009

Document number: 15689/09

Title : EULEX KOSOVO, Draft Annex to Information and Communication Strategy

Subject matter : CIVCOM 831

COPS 672

PESC 1518

COSDP 1084

COWEB 256

JAI 815

RELEX 1047

COHOM 254

INF 284

EU-LEX 89

Document category: Note
Originator : General Secretariat of the Council
Addressee : Committee for Civilian Aspects of Crisis Management
Document date : 10.11.2009
Archive date : 10.11.2009

Document number: 15456/09
Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 43/09
Subject matter : CIVCOM 806
COPS 658
COSDP 1051
COWEB 250
EU-LEX 87
JAI 790
PESC 1478
Document date: 9.11.2009
Archive date :18.11. 2009

Document number: 15700/09
Title : EULEX Kosovo - Third Party Liability Insurance
Subject matter : PESC 1519
COWEB 257
CIVCOM 832
COSDP 1085
EU-LEX 90
Document category: outcome of Proceedings
Originator : Foreign Relations Counsellors Working Party/9 November 2009
Document date : 10.11.2009
Archive date : 10.11.2009

1st preferred linguistic version: EN - English
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[E-mail message sent on 12 July 2012 17:36]

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Requested document(s):

Document number: 15852/09

Title : European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 44/09

Subject matter : CIVCOM 837

COPS 677

COSDP 1092

COWEB 261

EU-LEX 91

JAI 823

PESC 1529

Document date: 13.11.2009

Archive date : 18.11.2009

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12/1056-1070-ws/mf

12/1099-ws/mf

12/1140-ws/mf

12/1191-ws/mf

12/1219-1220-ws/mf

Dear **DELETED**,

Your requests for access to the following Council documents have been registered by the Access to documents unit.

Requests nr 1056 till 1070 dated 16/06/2012, registered on 18/06/2012

1. 10081/09
2. 10111/09
3. 10439/09
4. 10819/09
5. 10676/09
6. 11142/09
7. 11332/09
8. 11442/09
9. 11459/09
10. 11651/09
11. 11262/09
12. 11262/1/09 REV 1
13. 11741/09
14. 11751/09
15. 11751/1/09 REV 1
16. 11984/09

Request nr 12/1099 dated 23/06/2012, registered 25/06/2012

1. 12083/09
2. 11954/09
3. 12310/09
4. 12163/09
5. 12568/09
6. 12503/09

7. 12612/09
8. 12584/09
9. 12644/09
10. 12764/09
11. 12743/09
12. 12690/09
13. 12863/09
14. 12754/09
15. 12778/09

Request nr 12/1140 dated 30/06/2012, registered 02/07/2012.

1. 12946/09
2. 13363/09
3. 13369/09
4. 13158/09
5. 13514/09
6. 14184/09
7. 13893/09
8. 14183/09
9. 14503/09
10. 14269/09
11. 13775/09

Request nr 12/1191 dated 07/07/2012, registered 09/07/2012

1. 14839/09
2. 15081/09
3. 13894/09
4. 14025/09
5. 15260/1/09 REV 1
6. 15689/2/09 REV 2
7. 15456/09
8. 15700/09

Requests nr 12/1219 and 12/1220 dated 12/07/2012, registered 13/07/2012

15852/09
15689/1/09 REV 1

Thank you for your interest.

The General Secretariat of the Council has examined your requests 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). The time-limit for replying to your application has been extended. Having examined the requests, the General Secretariat has come to the following conclusion:

Preliminary note:

EU classified information is classified at one of the following level, among others¹: "RESTREINT UE/EU RESTRICTED": information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of the Member States.

You may have access to documents **11984/09**, **15689/1/09 REV 1** and **15689/2/09 REV 2**.

Documents **10081/09**, **10111/09**, **10439/09**, **10819/09**, **10676/09**, **11142/09**, **11332/09**, **11442/09**, **11459/09**, **11651/09**, **12863/09**, , **12764/09**, **12754/09**, **12743/09**, **12690/09**, **12612/09**, **12644/09**, **12584/09**, **12503/09**, **12310/09**, **12163/09**, **11954/09**, **11262/09**, **11262/1/09 REV 1**, **11741/09**, **12946/09**, **13363/09**, **13369/09**, **13158/09**, **13514/09**, **14184/09**, **13893/09**, **14183/09**, **14503/09**, **14839/09**, **15081/09**, **13894/09**, **14025/09**, **15456/09** and **15852/09** (all classified "EU RESTRICTED") contain various EULEX KOSOVO mission reports.

These documents contain internal reports with operational details on EULEX KOSOVO. Release of these details would weaken the mission's effectiveness and seriously affect relations with the third parties concerned, all the more so as the mission has to operate on the background of a delicate political situation on the international level.

Accordingly, pursuant to Article 4(1)(a) of the Regulation (public security), and to Article 4(1)(a) of the Regulation (international relations), the General Secretariat cannot grant you access to these documents.

As the exception applies to the content of the entire documents, the General Secretariat is not able to grant you partial access as provided for in Article 4(6) of the Regulation, either.

Documents **11751/09** and **11751/1/09 REV 1** are a note (and its revised version) from the Secretariat to the Committee for Civilian Aspects of Crisis Management (CivCom) containing Draft CivCom advice on the EULEX KOSOVO Monthly Report 02/09, document **12083/09** is a note from the Committee for Civilian Aspects of Crisis Management to the Political and Security Committee, containing the corresponding adopted version of the advice.

As these documents refer to mission reports as mentioned above, they relate to the same kind of information and the same reasons as set out above make it necessary to refuse these documents (thus pursuant to Article 4(1)(a) of the Regulation (public security), and to Article 4(1)(a) of the Regulation (international relations)).

¹ Council Decision of 31 March 2011 on the security rules for protecting EU classified information (2011/292/EU) – Official Journal L 141, 27.5.2011, p.17.

Document **12568/09** is a note from the General Secretariat of the Council to delegations and concerns *Council Joint Action 2009/ /CFSP of amending Council Joint Action 2009/137/CFSP extending the mandate of the European Union Special Representative in Kosovo (under United Nations Security Council Resolution 1244 (1999)) - Financial statement.*

Pursuant to Article 4(6) of the Regulation, you may have access to this document with the exception of some which might allow to draw conclusions on the situation of individual people and which therefore constitute personal data in the sense of the Data Protection Regulation¹. Access to this information must be refused pursuant to Article 4(1)(b) of the Regulation (protection of privacy and the integrity of the individual), as it was not possible to obtain the individual consent of the persons concerned.

Document **14269/09** contains an opinion of the Legal Service on a *Draft accountability concept paper proposing the setting up of a human rights review panel for EULEX Kosovo.*

The document contains internal information on the contents of the draft accountability concept paper proposing the setting up of a human rights review panel for EULEX Kosovo. Its release would affect the working of the mission and undermine the international relations of the EU with relevant third parties.

The divulgence of the content of the document would also undermine the protection of legal advice by revealing to the public internal opinions of the Council Legal Service, intended for the members of the Council. This would entail the risk to lead the Council to display caution when requesting opinions from its Legal Service, since it could find itself weakened by a published opinion of the Legal Service, after having adopted a different interpretation of the legal issue at stake. Moreover, the Legal Service could come under external pressure which could affect the way in which legal opinions are drafted and hence prejudice the possibility of the Legal Service to express its views free from external influences.

Accordingly, pursuant to Article 4(1)(a), first and third indents (protection of the public interest with regard to public security and to international relations) and, in the absence of any evidence suggesting an overriding public interest to warrant disclosure, also pursuant to Article 4(2) second indent (protection of court proceedings and legal advice) of the Regulation, the General Secretariat is unable to grant full access to this document.

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the document which are not covered by this exception.

Document **15700/09** contains the outcome of proceedings of the Foreign Relations Counsellors Working Party meeting of 9 November 2009 concerning *EULEX KOSOVO – Third Party Liability Insurance.*

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data – Official Journal L 8, 12.1.2001, p. 1.

It contains internal assessments, release of which would affect the functioning of the mission and relations with relevant third parties as well as have an impact on future missions.

Accordingly, pursuant to Article 4(1)(a), first and third indents of the Regulation (protection of the public interest with regard to public security and to international relations), the General Secretariat is unable to grant full access to this document.

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the document which are not covered by this exception.

Document **15260/1/09 REV 1** is a cover note from the Council Secretariat to the Committee for Civilian Aspects of Crisis Management containing a *Draft revised Operation Plan (OPLAN) for the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO*.

Document **13775/09** is a note from the General Secretariat of the Council to the Committee for Civilian Aspects of Crisis Management containing a *Draft revised Annex A of the Operation Plan (OPLAN) for the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO*.

These two documents contain information of an operational nature release of which would weaken the mission concerned and affect relations with relevant third parties. Disclosure of this information would thus undermine the protection of the public interest as regards public security and international relations and therefore must be denied pursuant to Article 4(1)(a), first and third indent, of the Regulation.

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 reply¹.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

Enclosures

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 9 August 2012 - 18:29]

Subject: Reconsideration upon the Council of its position pursuant to Article 7 (2) of Council Regulation No 1049/2001

To the attention of the General Secretariat of the Council of the European Union,

in your e-mail of the 30th of July 2012 and on the basis of the request forwarded to you on various documents pertaining to EULEX Kosovo, I got the following feedback:

(a) Documents **10081/09, 10111/09, 10439/09, 10819/09, 10676/09, 11142/09, 11332/09, 11442/09, 11459/09, 11651/09, 12863/09, 12764/09, 12754/09, 12743/09, 12690/09, 12612/09, 12644/09, 12584/09, 12503/09, 12310/09, 12163/09, 11954/09, 11262/09, 11262/1/09 REV 1, 11741/09, 12946/09, 13363/09, 13369/09, 13158/09, 13514/09, 14184/09, 13893/09, 14183/09, 14503/09, 14839/09, 15081/09, 13894/09, 14025/09, 15456/09 and 15852/09**; Documents **11751/09** and **11751/1/09 Rev 1**; Document **12083/09**; (all classified "EU RESTRICTED") contain various EULEX KOSOVO mission reports. These documents refer to internal reports containing the operational details of EULEX KOSOVO. As reported in the General Secretariat of the European Council, the release of these documents would weaken the mission effectiveness and affect the third parties concerned;

(b) concerning Document **12568/09** it has been reminded to me that pursuant to Article 4(6) of the Regulation (EC) No 1049/2001, I may have access to this document with the exception of some of its parts which might allow to draw conclusions on the situation of individual people and which therefore constitute personal data in the sense of the Data Protection Regulation (Regulation (EC) No 45/2001);

(c) Document **146269/09** refers to internal information on the content of the draft accountability concept paper proposing the setting up of a human rights review panel for EULEX Kosovo. In your e-mail of the 30th of July 2012 I got information that the release of this document may affect the working of the mission and undermine the EU's international relations with relevant third parties. Furthermore, its release may also undermine the protection of legal advice by giving access to the public to the internal opinions of the Council Legal Service, intended for the members of the Council. This would imply for the Legal Service to be put under external pressure which may affect the way in which legal opinions are drafted and thus prejudice the possibility of the Legal Service to express its views free from external influences. You argued under the letter of Article 4(1) (a), first and third indents (protection of the public interest with regard to public security and to international relations) and, provided that there is no evidence for an overriding public interest to warrant disclosure, and also in conformity with Article 4(2) second indent (protection of court proceedings and legal advice) of the Regulation, that the General Secretariat is not allowed to disclose the content of this document. But, in conformity with Article 4(6) of the Regulation, access has been granted to me to those parts of the document which are not covered by this exception.

(d) Document **15700/09** refers to the outcome of the proceedings of the Foreign Relations Counsellors Working Party meeting of 9 November 2009 concerning EULEX KOSOVO – Third Party Liability Insurance. It refers to internal assessments whose disclosure may affect the functioning of the mission and relations with relevant third parties and it may also have an impact on future missions. This said, in conformity with Article 4(1) (a), first and third indents of the Regulation (protection of the public interest with regard to public security and to international relations), the General Secretariat is not allowed to release the whole content of this document. However, in conformity with Article 4(6) of the Regulation, access has been granted to the author to those parts of the document which are not covered by this exception.

(e) Document **15260/1/09 REV 1** and Document **13775/09** refer to information of an operational nature whose content's disclosure may weaken the mission as well as affect its relations with relevant third parties. The release of this information may undermine the protection of the public interest concerning public security and international relations and thus it must be denied in conformity with Article 4(1) (a), first and third indent, of the Regulation referred above.

I write to you by reminding that pursuant to Article 7(2) of the Regulation, it is possible to submit a confirmatory application requesting the Council to reconsider this position, within 15 working days after receiving this reply.

Here I write to you to ask the Council to reconsider its position.

Kind Regards

DELETED
