



**RAT DER  
EUROPÄISCHEN UNION**

**Brüssel, den 14. September 2012 (18.09)  
(OR. en)**

**13306/12**

**INF 130  
API 81**

**I/A-PUNKT-VERMERK**

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des	:	Gruppe "Information"
to	:	AStV (2. Teil)/Rat
Nr. Vordok.:		13305/12
Betr.:		Zugang der Öffentlichkeit zu Dokumenten – Zweitantrag Nr. 16/c/01/12

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Die Delegationen erhalten in der Anlage den Entwurf einer Antwort des Rates auf den Zweitantrag Nr. 16/c/01/12, wie er sich aus der Prüfung durch die Gruppe "Information" in ihrer Sitzung vom 14. September 2012 ergeben hat.

Der Ausschuss der Ständigen Vertreter wird daher ersucht, dem Rat vorzuschlagen, dass er auf seiner nächsten Tagung unter Teil A der Tagesordnung dem in der Anlage enthaltenen Antwortentwurf zustimmt.

Die Anlage liegt nur in englischer Sprache vor.

**DRAFT**  
**REPLY ADOPTED BY THE COUNCIL ON .....**  
**TO CONFIRMATORY APPLICATION No 16/c/01/12,**  
**made by e-mail on 20 July 2012,**  
**pursuant to Article 7(2) of Regulation (EC) No 1049/2001,**  
**for public access to a document or documents describing**  
**the basis on which the Council adopts conclusions**

The Council has considered this confirmatory application under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.5.2001, p. 43) (hereafter "Regulation (EC) No 1049/2001") and Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, OJ L 325, 11.12.2009, p. 35) and has come to the following conclusion:

1. In his initial request, the applicant requested "access to a document or documents describing the basis on which the Council adopts conclusions".
2. In its reply dated 29 June 2012, the General Secretariat could not identify the document or documents requested describing the basis on which the Council adopts conclusions. It referred the applicant to the Council's Rules of Procedure and provided a link to this public document.
3. In his confirmatory request made on 20 July 2012, the applicant reiterated his initial request: "Please would you provide me access to a document or documents describing the basis on which the Council adopts conclusions." He commented that "the Council's Rules of Procedure do not describe 'the basis on which the Council adopts conclusions'".
4. When examining a confirmatory application for access to documents, the Council is limited to the scope of the initial request. After a thorough enquiry, the Council could not identify any specific document or documents describing the basis on which the Council adopts conclusions.

*Conclusion*

5. For the reasons set out above, the Council is unable to identify and grant the applicant access to a document or documents corresponding to the request.