



Council of the
European Union

Brussels, 29 July 2016
(OR. en)

11276/16

INF 130
API 79

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 17/c/01/16

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 8 June 2016 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 29 June 2016 ([Annex 2](#));
- confirmatory application dated 12 July 2016 and registered on 13 July 2016 ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 8 June 2016 - 12:34 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone No: **DELETED**

Requested document(s):

- Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Qatar;
- Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with the United Arab Emirates;
- Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Turkey;
- Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with ASEAN.



Council of the European Union

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 29 June 2016

DELETED

Email: **DELETED**

Ref. 16/1394-jb/mf

Request made on: 8 June 2016

Dear Sir,

Thank you for your request for access to documents of the Council of the European Union¹.

¹ The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ 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, OJ L 325, 11.12.2009, p. 35).

We have identified the following documents as related to your request:

- **8905/1/16 REV 1 ADD 1** Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Qatar;
- **9081/1/16 REV 1 ADD 1** Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with the United Arab Emirates;
- **8914/1/16 REV 1 ADD 1** Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Turkey;
- **8904/1/16 REV 1 ADD 1** Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with ASEAN.

The documents are classified and bear the 'RESTREINT UE/EU RESTRICTED' classification marking, which means that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States².

I regret to inform you that access to the documents requested cannot be given for the reasons set out below.

² Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

On 7 June 2016 the Council adopted mandates authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with four key partners: the Association of Southeast Asian Nations (ASEAN), Qatar, the United Arab Emirates, and Turkey. The negotiations will be conducted by the Commission on behalf of the EU and its Member States.

Release of the information contained in these documents could impede the proper conduct of the negotiations and even weaken the position of the European Union in the framework of these negotiations, and would prejudice relations between the Union and the third countries concerned.

Disclosure of the documents requested would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access to those documents ³.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application). ⁴

Yours sincerely,

Jakob THOMSEN

³ Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

⁴ Article 7(2) of Regulation (EC) No 1049/2001.

Council documents on confirmatory applications are made available to the public. According to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to access@consilium.europa.eu on 12 July 2016 - 19:15]

From: **DELETED**

Sent: Tuesday, 12 July 2016 - 19:15

To: SECRETARIAT DGF Access

Subject: RE: Ref. 16/1394-jb/mf

Dear Sir/Madam,

I am writing to you once again on behalf of Syndicat National des Pilotes de Ligne France ALPA following your letter refusing to publish the following documents:

- 8905/1/16 REV 1 ADD 1 Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Qatar;
- 9081/1/16 REV 1 ADD 1 Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with the United Arab Emirates;
- 8914/1/16 REV 1 ADD 1 Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with Turkey;
- 8904/1/16 REV 1 ADD 1 Council mandate authorising the Commission to open negotiations on EU-level comprehensive air transport agreements with ASEAN.

As European aviation workers are directly affected by these negotiations which are decisive for the future of the sector in Europe, we would repeat our request for declassification. Now that the Council has finally published the mandate for negotiation on the TAFTA without disrupting the proper functioning of the transatlantic negotiations, the decision to keep these documents secret does not seem to be either justified or proportionate.

Thank you for considering our request. I remain at your disposal.

(Complimentary close)

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