



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 February 2014

6487/14

**INF 30
API 21**

NOTE

Subject: Public access to documents
 - Confirmatory application No 06/c/01/14

Delegations will find attached:

- request for access to a document sent to the General Secretariat of the Council on 16 January 2014, registered on the same day ([Annex 1](#)).
- reply from the General Secretariat of the Council dated 27 January 2014 ([Annex 2](#))
- confirmatory application dated 10 February 2014, registered on the same day ([Annex 3](#)).

[E-mail message sent on 16 January 2014 - 11:21]

From: **DELETED**

Sent: January 16, 2014 11:21 AM

To: CONSILIUM INFO PUBLIC

Dear Sir/Madam,

In the course of my research, the policy document COREU PAR 483/9 of 10 April 1995 entitled "European Union Coordination in the United Nations" has come to my attention. The document contains general principles and guidelines to improve the coherence and effectiveness of the Union's action at the UN and UN conferences.

I look forward to receiving access to the document.

Many thanks and best regards,

DELETED



**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

*Directorate-General F
Communication
Transparency*

*- Access to Documents/
Legislative transparency*

RUE DE LA LOI, 175
B – 1048 BRUSSELS
Tel: (32 2) 281 67 10
Fax: (32 2) 281 63 61
E-MAIL:
access@consilium.europa.eu

Brussels, 27 January 2014

DELETED

e-mail:

DELETED

Ref. 14/0118-mjb/ns

Dear **DELETED**,

We have registered your request of 23 January 2014 for access to document COREU PAR 483/95. 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 documents¹ (hereafter the "Regulation") and specific provisions of the Council's Rules of Procedure² and has come to the following conclusion:

Document COREU PAR 483/95 (only available in French) contains guidelines for co-ordination of the participation of the European Union in the framework of the United Nations. You may have access to the content of this document with the exception of one part containing a position for internal use as part of deliberations and preliminary consultations within the Council, to which the General Secretariat cannot grant access in view of its specific content, pursuant to Article 4(3), second paragraph, of Regulation 1049/2001 (protection of the decision-making process of the Council).

¹ Official Journal L 145, 31.5.2001, p. 43.

² Annex II to the Council's Rules of Procedure – Council Decision No 2009/937/EU; Official Journal L 325, 11.12.2009, p. 35.

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

Enclosure

¹ Confirmatory applications are published in the Council's Register of documents. If you introduce a confirmatory application, your personal data will be published in the documents related to your confirmatory application only if you have given your explicit consent for this. Your reply relating to the publication of your personal data will in no way prejudice your rights under Regulation (EC) No 1049/2001.

[Confirmatory application - sent by e-mail on 10 February 2014 - 12:44]

From: **DELETED**

Sent: Monday, February 10, 2014 12:44

To: SECRETARIAT DG F ACCESS

Dear Sir/Madam, Dear Mr Thomsen

In annex you will find a confirmatory application for full access to COREU PAR 483/95.

Kind regards,

DELETED

TRANSLATION FROM GERMAN

Dear Sir/Madam, Dear Mr Thomsen,

I am writing to make a confirmatory application for full access to COREU PAR 483/95.

The right to full, free and unconditional access to information held by the European Union, in this case COREU PAR 483/95, follows from Article 15(3) TFEU, Article 42 of the EU Charter of Fundamental Rights and Article 2(1) of Regulation (EC) No 1049/2001 of 30 May 2001.

You have indicated that the redacted part is an opinion for internal use as part of deliberations and preliminary consultations within the Council after a decision had already been taken.

Since the Council has already taken a decision, there is no reason to believe that disclosure of the document would seriously undermine the institution's decision-making process. The refusal is based merely on hypothetical considerations. There is nothing to suggest that a negative impact is clearly foreseeable.

In the present case, when the need for confidentiality is weighed against public interest in access to COREU PAR 483/95, the result is in favour of the overriding public interest in access. The general principle of granting the public the widest possible access to documents must be applied in this case.

In principle, only the interest in access expressed in the basic constitutional decision in favour of the greatest possible freedom of information should be considered when weighing up the arguments. However, according to the case-law of the General Court, the institutions of the Union are required to take into account particular access interests of individuals of whom they are aware.

In the present case, the applicant has a particular interest in access. The applicant is a research associate at the German Research Institute for Public Administration Speyer. The Research Institute is a non-university institution which does application-oriented fundamental research in the field of administrative sciences. Specifically, the applicant manages the research project "Policy implementation in the international context in mixed fora; mechanisms for coordination between the Commission and Member States when implementing international harmonisation commitments: procedures and deficiencies" (project headed by **DELETED**).

The research project involves studying interinstitutional agreements which govern the coordination of the EU and Member States in international organisations. COREU PAR 483/95 is a policy document of this type which comments on EU coordination within the framework of the United Nations. For this reason, full access to this document is of great scientific interest for the purposes of fundamental research into the coordination between the EU and Member States, and therefore a decision should be made in favour of full access.

I hereby request the removal of personal data from Council documents in the public register of Council documents.

DELETED
