



Council of the
European Union

Brussels, 14 February 2017
(OR. en)

5961/17

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NOTE

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

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 11 January 2017 and registered on 12 January 2017 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 2 February 2017 ([Annex 2](#));
- confirmatory application dated 3 February 2017 and registered the same day ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 11 January 2017- 19:20 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: **DELETED**

Requested document(s): ST 15253/16



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 2 February 2017

DELETED

Email: **DELETED**

Ref. 17/0064-ws/mf

Request made on: 11.01.2017

Registered on : 12.01.2017

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.¹

I regret to inform you that access to document **15253/16** cannot be given for the reasons set out below.

Document **15253/16** is a note from the Presidency to delegations concerning *Solidarity and responsibility in the Common European Asylum System* and contains a *Progress report by the Slovak Presidency*. This document concerns an issue which is still subject to difficult discussions within the Council and its preparatory bodies.

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).

The documents gives details of progress made and reflects the difficulties that still need to be addressed before solutions can be found. Release to the public of the information contained in it would disrupt the negotiating process and jeopardise the chances of the Council reaching an agreement.

Disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council.

Having examined the context in which the document was drafted and the current state of play on this matter, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in its disclosure.

As a consequence, the General Secretariat has to refuse access to the document at this stage.²

We have also looked into the possibility of releasing parts of the document.³ However, as the information contained in the document forms an inseparable whole, the General Secretariat is also unable to give partial access to it at this stage.

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

Yours sincerely,

Fernando PAULINO PEREIRA

² Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

³ Article 4(6) 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. Pursuant 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 3 February 2017 - 09:45]

From: **DELETED**

Sent: Friday, February 3, 2017 9:45 AM

To: SECRETARIAT DGF Access

Subject: Re: Ref. 17/0064-ws/mf

Dear colleagues,

I request Council to review this decision. This document is of public interest and important for the public confidence in the Common European Asylum System. From my understand of that may be in the document its publication has no EU or national security impact.

Yours faithfully

DELETED
