



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 February 2014

6234/14

**INF 22
API 18**

NOTE

Subject: Public access to documents
 - Confirmatory application No 05/c/01/14

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 23 January 2014, registered on the same day ([Annex 1](#)).
- reply from the General Secretariat of the Council dated 3 February 2014. ([Annex 2](#))
- exchange of e-mails between the General Secretariat of the Council and the applicant concerning the confirmatory application dated 3 February 2014, registered on the same day ([Annex 3](#)).

[E-mail message sent on 23 January 2014 - 16:11]

From: **DELETED**

Sent: 23 January 2014 - 16:11

To: INFORMATION TO THE PUBLIC

Subject: Initial question

Sir:

For a Research Project at my University I am requesting Access to Doc. No. 11914/13 - SIRIS 71
COMIX 428.

Thank you for your help.

Sincerely,

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, 3 February 2014

DELETED

e-mail:

DELETED

Ref. 14/0123-mi/ns

Dear **DELETED**

We have registered your request of 23 January 2014 for access to document 11914/13. 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 11914/13 is a note from the General Secretariat to the Working Party for Schengen Matters (SIS/SIRENE) / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein) and contains tables of hits recorded by the SIRENE Bureaux during the period 1.1.2012-31.12.2012.

These tables contain details on the exchange of information by the SIRENE Bureaux. This information, if disclosed, would undermine public security as it could be exploited by individuals involved in various forms of organised crime in order to undermine the functioning of the SIRENE network, a network which is essential in maintaining a high level of security within the area of justice, freedom and security. Accordingly, pursuant to Article 4(1)(a), first indent of the Regulation (protection of the public interest with regard to public security), the General Secretariat is unable to accede to your request.

As the exception to the principle of transparency applies to the content of the entire document, the General Secretariat is unable to grant you partial access as provided for in Article 4(6) of the Regulation.

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 reply³.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

³ Confirmatory applications are published in the Council's Register of documents. Please indicate whether you would like your personal data to be removed from Council documents related to your confirmatory application. Your reply will in no way prejudice your rights under Regulation (EC) No 1049/2001.

[Confirmatory application - sent by e-mail on 3 February 2014 - 10:12 AM]

From: **DELETED**
Sent: Monday, February 03, 2014 10:12 AM
To: SECRETARIAT DGF Access
Subject: AW: Ref. 14/0123-mi/ns
Importance: High

Dear Sir:

attached please find my confirmatory letter pursuant to Art. 7(2) of Regulation (EC) No. 1049/2001 regarding Ref. 14/0123-mi/ns.

Sincerely,

DELETED

DELETED

DELETED

DELETED

Council of the European Union
General Secretariat
Directorate-General F Communication
Transparency - Access to Documents

Ref. 14/0123-mi/ns
Your letter of February 03, 2014

Sir:

With the above mentioned letter, you denied my request to access to document ST 11914 2013 INIT (Table of hits recorded by the SIRENE Bureaux Period : 1 January 2012 to 31 December 2012), your reasons being, that it would endanger public security.

With this confirmatory letter, I am requesting you, to reconsider your position, since all previous versions of this document, e.g. ST 7389 2013 INIT, ST 8281 2012 INIT, containing the same information on the number of hits recorded by the SIRENE Bureaux in each period, were readily accessible.

I am only interested in the number of hits recorded by the SIRENE Bureaux in 2012, no other information is required.

Therefore, under Article 7(2) of Regulation (EC) No. 1049/2001 I am requesting the Council to reconsider its position on denying me access to document ST 11914 2013 INIT.

Sincerely,

DELETED

[E-mail message sent on 5 February 2014 - 11:07]

Von: SECRETARIAT DGF Access
Gesendet: Mittwoch, 5. Februar 2014 11:07
An: **DELETED**
Betreff: RE: Ref. 14/0123-mi/ns

Dear **DELETED**,

Thank you for your message dated 3 February 2014.

With your message, you introduce a confirmatory request for access to document 11914/13 (Table of hits recorded by the SIRENE Bureaux during the period 1 January 2012-31 December 2012). You ask the Council to reconsider its position relating to the above-mentioned document, indicating that all previous versions of the document containing the same information on the number of hits recorded by the SIRENE Bureaux in each period were accessible from the outset (for example documents 7389/13 and 8281/12).

We would kindly like to draw your attention to the fact that documents relating to the number of hits recorded by the SIRENE Bureaux in each period have always been issued as non-public documents (for example documents 14242/13 and 9075/12) due to their sensitive contents, as explained in the reply to your initial request. However, documents setting out Schengen information system database statistics for a given period have always been issued as public documents. This was the case for example with documents 7389/13 and 8281/12 which you mention. The Schengen information system database statistics for the period of 1 January 2013-31 December 2013 have not yet been prepared; the document containing this data is expected to be issued in March 2014. This is why we unfortunately cannot send it to you yet.

On the basis of the above, could you please confirm us whether you wish to maintain your confirmatory application? If this is the case, your confirmatory application will be handled under Article 7 of Regulation (EC) No 1049/2001. It will be examined by the Working party on Information, the Council's preparatory body dealing with transparency matters, and the reply to it will then be submitted to the Permanent Representatives Committee and the Council for approval.

Yours sincerely,

DELETED

General Secretariat of the Council of the European Union
Transparency Service - Access to documents

[E-mail message sent on 5 February 2014 - 12/41]

Dear **DELETED**,

thank you for your message of February 5, 2014.

I would like to confirm, that I wish to maintain my confirmatory application regarding access to document 11914/13 (Table of hits recorded by the SIRENE Bureaux during the period 1 January 2012-31 December 2012). The previous document 9075/12 can be found, for example, at <http://www.statewatch.org/news/2012/nov/eu-ciouncil-sirene-hits-2011-09075-12.pdf>. Other documents containing this information can be found as well, e.g. 12150/02 and 5086/09.

Yours Sincerely,

DELETED
