



Council of the
European Union

Brussels, 5 September 2017
(OR. en)

11885/17

INF 146
API 101

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 18c/01/17

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 9 May 2017 and registered on 10 May 2017 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 12 May 2017 ([Annex 2](#));
- e-mail message from the applicant dated 15 June 2017 ([Annex 3](#));
- reply from the General Secretariat of the Council dated 22 June 2017 ([Annex 4](#));
- e-mail message from the applicant dated 25 July 2017 ([Annex 5](#));
- reply from the General Secretariat of the Council dated 28 July 2017 ([Annex 6](#));
- confirmatory application dated 2 September 2017 and registered on 4 September 2017 ([Annex 7](#)).

[E-mail message sent to access@consilium.europa.eu on 9 May 2017 - 21:12]

From: domenic be [mailto:**DELETED**@asktheeu.org]

Sent: Tuesday, May 09, 2017 9:12 PM

To: SECRETARIAT DGF Access

Subject: access to documents request - identify Policy Documents about Disenfranchisement

May 9, 2017

Dear Council of the EU,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

As you are able, and without prejudice, would you kindly identify any information you hold which identifies Council of the EU policy/ies on disenfranchisement. The titles of any such documents would be most kind.

By 'disenfranchise' it is understood: 'to take away powers, rights and opportunities... inc. the right to vote'. I'd imagine this means (for example), to take away the right to employment, to take away the right to benefits, to take away the right to better one self or seek a better life, to take away security and liberty, to take away right to legal remedy and/or access to justice, to take away the right to health care, etc.

Yours faithfully,

Domenic

if possible , would you kindly notify me of any response at this address:

DELETED [@notsharingmy.info](mailto:DELETED@notsharingmy.info)



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 12 May 2017

To: Domenic Be

Email: **DELETED**@asktheeu.org
DELETED@notsharingmy.info

Ref. 17/1133-ws/dm

Request made on: 09.05.2017

Registered on: 10.05.2017

Dear Applicant,

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

We would like to recall that "[a]pplications for access to a document shall be made [...] in a sufficiently precise manner to enable the institution to identify the document."²

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).

² Article 6(1) of Regulation (EC) No 1049/2001.

Your request covers all documents identifying Council policy on "disenfranchisement", a term you go on to define in a very broad way.

Your request therefore is not precise enough to be processed on the basis of Regulation (EC) No 1049/2001. Trying to do so would furthermore require the General Secretariat to make the very subjective assessment of what may constitute "disenfranchisement" in terms of Council policies. A subjective assessment of this kind is neither a role of the General Secretariat nor can it be the subject of a legally defined individual administrative procedure such as the present one.

We may thus invite you to consult our Public Register (<http://register.consilium.europa.eu/>) in order to search for relevant documents yourself.

To be of assistance, we have also run a full text search³ with the word "disenfranchisement" in registered Council documents, the result of which you will find attached. Any documents with an "N" in the second column can be downloaded via the Public Register.⁴ You are welcome to submit requests for access to those of the other documents that may be of interest to you.⁵

Yours sincerely,

Fernando PAULINO PEREIRA

Enclosure

³ Including unpublished, but unclassified documents, while you can only do a full text search in public documents in the Public Register.

⁴ Please convert the number in the following way: ST 5549 2017 INIT → 5549/17.

⁵ You may be able to obtain additional information on these documents by clicking on the document number in the result list of the Public Register.

Enclosure

Number		Subject
ST 5549 2017 REV 1	N	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Strengthening Citizens' Rights in a Union of Democratic Change EU Citizenship Report 2017
ST 5549 2017 INIT	N	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Strengthening Citizens' Rights in a Union of Democratic Change EU Citizenship Report 2017
ST 5550 2017 INIT	N	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS UNDER ARTICLE 25 TFEU On progress towards effective EU citizenship 2013-2016
WK 994 2016 INIT	L	Tajikistan - EU Conflict Early Warning Exercise (EWS) – Conflict Prevention Report
ST 12252 2016 ADD 2	N	COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposals for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) and a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications
ST 12257 2016 ADD 1	N	COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposals for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) and a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications
ST 12299 2016 INIT	N	EU Annual Report on Human Rights and Democracy in the World in 2015 – Country and Regional Issues
ST 11691 2016 INIT	L	Draft EU Annual Report on Human Rights and Democracy in the World in 2015 – Country and Regional Issues.
ST 9808 2016 INIT	N	JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity
ST 13887 2015 INIT	N	EU Western Balkan counter-terrorism initiative: integrative plan of action
ST 10157 2015 INIT	N	Council conclusions on forthcoming elections in Myanmar/Burma
ST 9864 2015 INIT	L	Draft Council conclusions on forthcoming elections in Myanmar/Burma

ST 9827 2015 INIT	L	Draft Council conclusions on forthcoming elections in Myanmar/Burma
ST 7247 2015 INIT	L	Draft Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Da'esh threat
ST 7267 2015 INIT	N	Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Da'esh threat
ST 7051 2015 INIT	L	Draft Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Da'esh threat
ST 6031 2015 INIT	L	JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL - Elements for an EU regional strategy for Syria and Iraq as well as the Da'esh threat
ST 8847 2014 ADD 2	N	COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement and Directive 2013/34/EU as regards certain elements of the corporate governance statement and COMMISSION RECOMMENDATION on the quality of corporate governance reporting ('comply or explain')
ST 6960 2014 INIT	N	Summary of discussions
ST 6460 2014 INIT	N	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Internet Policy and Governance Europe's role in shaping the future of Internet Governance
ST 5866 2014 INIT	N	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement
ST 5867 2014 INIT	N	COMMISSION RECOMMENDATION of 29.1.2014 Addressing the consequences of disenfranchisement of Union citizens exercising their rights to free movement
CM 1375 2014 INIT	N	Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) Date: 11 February (as from 14.30) and 12 February 2014 (as from 09.30) Venue: COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS
ST 5886 2014 INIT	L	Summary of discussions
ST 12634 2013 INIT	L	Summary of discussions
ST 11540 2013 INIT	N	Summary record of the meeting of the Committee on Legal Affairs (JURI) of the European Parliament, held in Brussels on 20 and 21 June 2013

ST 5765 2005 REV 1	N	European Union Police Mission in the former Yugoslav Republic of Macedonia "PROXIMA". Monthly Assessment report for the months of November and December 2004.
ST 9590 2013 INIT	N	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Citizenship Report 2013 EU citizens: your rights, your future
ST 9592 2013 INIT	N	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS UNDER ARTICLE 25 TFEU On progress towards effective EU Citizenship 2011-2013
ST 17344 2012 ADD 1	N	COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites
ST 8905 2012 ADD 1	N	COMMISSION STAFF WORKING DOCUMENT on the Application of the EU Charter of Fundamental Rights in 2011 Accompanying the document Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2011 Report on the application of the EU Charter of Fundamental Rights
ST 10 2011 REV 1	N	EUROPEAN COUNCIL 24/25 MARCH 2011
ST 10 2011 INIT	N	EUROPEAN COUNCIL 24/25 MARCH 2011
ST 8108 2009 INIT	N	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ANNUAL REPORT HONG KONG 2008
ST 8167 2008 ADD 2	L	Commission staff working document accompanying the Communication from the Commission to the Council and the European Parliament - Implementation of the European Neighbourhood Policy in 2007 - Progress Report Ukraine
ST 13288 2007 REV 1	N	EU Annual Report on Human Rights 2007
ST 13288 2007 INIT	L	EU Annual Report on Human Rights 2007
CM 674 2006 INIT	N	2708th meeting of the COUNCIL OF THE EUROPEAN UNION (Agriculture and Fisheries) Date:Monday 20 February 2006 Venue:COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS
ST 6387 2006 INIT	N	2708th meeting of the COUNCIL OF THE EUROPEAN UNION (Agriculture and Fisheries)
ST 6267 2006 INIT	N	PROVISIONAL AGENDA

CM 587 2006 INIT	N	2129th MEETING OF THE PERMANENT REPRESENTATIVES COMMITTEE (Part 1) Date:Friday 17 (10:15) February 2006 Venue:COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS
ST 6135 2006 INIT	N	Replies to written questions put to the Council - Adoption by the Council
ST 5351 2006 INIT	L	Disenfranchisement of EU citizens
ST 14714 2005 ADD 1	L	Commission staff working document Annex to the Proposal for a COUNCIL DECISION On the Principles, Priorities and Conditions contained in the European Partnership with Albania Albania 2005 Progress Report
CM 2080 2005 INIT	N	2665th meeting of the COUNCIL OF THE EUROPEAN UNION (COMPETITIVENESS - Internal Market, Industry and Research) Date:Monday 6 and Tuesday 7 June 2005 Venue:Conference Centre - FIL 5, rue Carlo Hemmer 1734 — LUXEMBOURG
ST 9683 2005 INIT	N	LIST OF "A" ITEMS for: 2665th meeting of the COUNCIL OF THE EUROPEAN UNION (COMPETITIVENESS – Internal Market, Industry and Research)
ST 9467 2005 INIT	N	PROVISIONAL AGENDA 2099th MEETING OF THE PERMANENT REPRESENTATIVES COMMITTEE (Part 1) Wednesday 1 June 2005 (10.15)
CM 1966 2005 INIT	N	2099th MEETING OF THE PERMANENT REPRESENTATIVES COMMITTEE (Part 1) Date:Wednesday 1 June 2005 (10.15) Venue:COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS
ST 8350 2005 INIT	L	Disenfranchisement of EU citizens

[E-mail message sent to access@consilium.europa.eu on 15 June 2017 - 17:33]

From: domenic be [mailto:**DELETED**@asktheeu.org]

Sent: Thursday, June 15, 2017 5:33 PM

To: SECRETARIAT DGF Access

Subject: Re: Ref. 17/1133-ws/dm

Dear SECRETARIAT DGF Access,

Subject: Identify Policy Documents about Disenfranchisement

Many thanks for your message.

Given the accompanying list includes the title: 'Disenfranchisement of EU citizens', it suggests my request was 'precise enough be processed on the basis of Regn (EC) No 1049/2001'. As you are able and without prejudice would you kindly arrange for the document to be forwarded me.

Yours faithfully,

Domenic



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 22 June 2017

To: Domenic Be

Email: **DELETED**@asktheeu.org;
DELETED@notsharingmy.info

Ref. 17/1509 - ws/jg

Request made on: 15.06.2017

Registered on: 16.06.2017

Dear Applicant,

Thank you for your request for access to documents of the Council of the European Union.⁶

We understand that you request access to the two documents entitled "Disenfranchisement of EU citizens" on the list previously sent to you, i.e. documents 5351/06 and 8350/05.

You will find them enclosed.

Yours sincerely,

Fernando PAULINO PEREIRA

Enclosures

⁶ 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).

[E-mail message sent to access@consilium.europa.eu on 25 July 2017 - 17:39]

From: domenic be [mailto:**DELETED**@asktheeu.org]

Sent: Tuesday, July 25, 2017 5:39 PM

To: SECRETARIAT DGF Access

Subject: Re: Ref. 17/1509-ws/jg

Dear SECRETARIAT DGF Access,

I acknowledge receipt your message. The information you kindly supplied me, for which I thank you, does not address my query. It seems, I did not properly clarify my query.

I identified this definition of the word 'disenfranchised':

disenfranchised - deprived of the rights of citizenship especially the right to vote. The adjective disenfranchised describes a person or group of people who are stripped of their power. Rights are violated and they have little power to change life for the better....'

[source: Vocab' on line dictionary]

That is to say, being deprived the right to vote is but one matter.

Given the above would you kindly revisit your response to my FOI query.

Yours sincerely,

domenic be



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 28 July 2017

To: Domenic Be

Email: **DELETED**@asktheeu.org;
DELETED@notsharingmy.info

Ref. 17/1509 - ws/jg

Dear Applicant,

In reply to your above-mentioned message, we would like to recall that your request of 09.05.2017 (registered under number 17/1133) has been settled by our letter of 12.05.2017, in which we explained that your request was drafted in too broad a way to be handled under the Access to Documents (ATD) Regulation.⁷ Likewise, your request of 15.06.2017 (registered under number 17/1509) was for two specific documents which you received on 22.06.2017.

You now state that you "clarify" your request in the sense that "disenfranchised" means "'deprived of the rights of citizenship especially the right to vote" and that the "adjective 'disenfranchised' describes a person or group of people who are stripped of their power. Rights are violated and they have little power to change life for the better".

This does not add anything to your request 17/1133 that would allow us to consider that there now is a request that can indeed be processed under the ATD Regulation.

⁷ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission document; OJ L 145, 31.5.2001, p. 43.

Please understand that there is no specific Council policy that would be covered by your request. On the other hand, issues like the ones you refer to can of course pop up in a lot of policy areas and therefore could find themselves incidentally addressed in a potentially large number of documents. There is, however, no practical and objective way to search for and identify such documents. And this is what makes your request impossible to process under the ATD Regulation.

My team will of course be happy to assist you further if you have specific queries (like e.g. do another full text search in undisclosed documents with concrete search terms you may indicate).

But unfortunately, we cannot help you any further with your request as currently formulated.

Yours sincerely,

Fernando PAULINO PEREIRA

[E-mail message sent to access@consilium.europa.eu on 2 September 2017 - 12:20]

From: domenic be [mailto:**DELETED**@asktheeu.org]

Sent: Saturday, September 02, 2017 12:20 PM

To: SECRETARIAT DGF Access

Subject: Internal review of access to documents request - identify Policy Documents about Disenfranchisement

Dear Council of the EU,

Subject: FOI query to the EU about the disenfranchised.

Further to receipt your message of July 28, 2017.

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'identify Policy Documents about Disenfranchisement'.

From what I read (message of July 28) you suggest there exists no such document. Also, you do not redirect my FOI query. It's interesting to note here the UK's position is essentially the same albeit the UK is a little more reluctant to admit so. I mean no criticism here.

With respect, I'm not satisfied with your response, in part because it is a little patronising but mainly because it is difficult to believe the EU fails to recognise such things. Again, no criticism is intended. So, according to the rules which govern these things, I respectfully request my FOI request is reviewed, without prejudice, by a senior competent officer. Below, I reproduce my original request together with the online dictionary definition of the word 'disenfranchised':

ORIGINAL REQUEST MADE May 9, 2017 - Dear Council of the EU, Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

As you are able, and without prejudice, would you kindly identify any information you hold which identifies Council of the EU policy/ies on disenfranchisement. The titles of any such documents would be most kind.

By 'disenfranchise'* it is understood: 'to take away powers, rights and opportunities... inc. the right to vote'. I'd imagine this means (for example), to take away the right to employment, to take away the right to benefits, to take away the right to better one self or seek a better life, to take away security and liberty, to take away right to legal remedy and/or access to justice, to take away the right to health care, etc.....

*The 'Vocabulary on line dictionary' gives this definition of the word disenfranchised:deprived the rights of citizenship especially the right to vote. The adjective 'disenfranchised' describes a person or group of people who are stripped of their power. Rights are violated and they have little power to change life for the better....'

A full history of my request and all correspondence is available on the Internet at this address:

https://www.asktheeu.org/en/request/identify_policy_documents_about

Yours faithfully,
domenic be
