



Council of the
European Union

161154/EU XXV. GP
Eingelangt am 08/11/17

Brussels, 8 November 2017
(OR. en)

14005/1/17
REV 1

API 135
INF 200

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 27/c/01/17

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 18 October 2017 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 31 October 2017 ([Annex 2](#));
- confirmatory application received by fax on 2 November 2017 and registered on 3 November 2017 ([Annex 3](#)).

[E-mail message sent to access@consilium.europa.eu on 18 October 2017 - 14:26 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: Criminological Research Institute of Lower Saxony (KFN)

<http://en.kfn.de/research-projects/rocker-crime/>

Address: Kriminologisches Forschungsinstitut Niedersachsen, Lützerodestr. 9,
30161 Hannover - Germany

Telephone: **DELETED**

Mobile: **DELETED**

Fax: **DELETED**

Requested document(s): ST 12041 2015 INIT
(12041/15)

Outlaw Motorcycle Gangs

16-09-2015

Overview of possibilities of administrative authorities in Member States to deal with Outlaw
Motorcycle Gangs (OMG's)

1st preferred linguistic version: EN - English

2nd preferred linguistic version: DE - German



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 31 October 2017

DELETED

Email: **DELETED**

Ref. 17/2189-ld/dm

Request made on: 18.10.2017

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 **12041/15** cannot be given for the reasons set out below.

Document **12041/15** is a Note of 16 September 2015 from the Belgian Delegation to other Delegations on the Outlaw Motorcycle Gangs.

This note contains detailed descriptions, including concrete cases, of the criminal nature of certain activities of the Outlaw Motorcycle Gangs and presents different proposals to deal with the issue.

Release of this information to the public could be used by persons or organisations involved, to hamper the European Union's efforts to tackle the described criminal activities.

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 disclosure of the document would therefore undermine the protection of the public interest as regards public security². As a consequence, the General Secretariat has to refuse access to document **12041/15**.

We have also looked into the possibility of releasing parts of the document³. However, as the information contained in the documents forms an inseparable whole, the General Secretariat is unable to give partial access.

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

Yours sincerely,

Ramón CHISMOL IBÁÑEZ

² Article 4(1)(a), first indent, of Regulation (EC) No **1049/2001**.

³ Article 4(6) of Regulation (EC) No **1049/2001**.

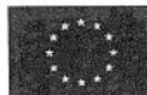
⁴ Article 7(2) of Regulation (EC) No **1049/2001**.

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.

[Fax sent to SECRETARIAT DGF Access on 2 November 2017 - 10:48]



**KRIMINOLOGISCHES
FORSCHUNGSINSTITUT
NIEDERSACHSEN E.V.**



Dieses Projekt wird aus Mitteln
des Fonds für die Innere Sicherheit
der Europäischen Union kofinanziert.

KfN-Lützerodestr. 9-30161 Hannover

General Secretariat of the Council of the European Union
DG F - Transparency
rue de la Loi/Wetstraat 175

B-1048 Bruxelles/Brussel

per FAX +32 22 816 361

Hannover, November 1st, 2017

Concerning: Ref. 17/2189-ld/dm; Request made on: 18.10.2017; Doc. 12041/15

Dear Mr. Chismol Ibáñez,

thank you for your answer.

The criminological institute's research project on crimes committed by Outlaw Motorcycle Gangs is designed in accordance to the EU's guidelines for prevention of threats of serious and organised crime¹ and intends to contribute to the improvement of the police cooperation, preventing and combating crime, and crisis management within the EU.

As a research project funded by support of the European Union's Internal Security Fund² we are fully aware of the impact which undisclosed to the public may induce regarding the European Union's efforts to tackle the described criminal activities.

Since the research project forms a part of these efforts our procedures are monitored by the federal state's Data Protection Officers (Die Landesbeauftragte für den Datenschutz Niedersachsen) in order to ensure full accordance to relevant regulations (especially Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995).

Additionally, the request for access to documents for research purposes is done in compliance with German national law³. Moreover, we would like to underline that we act in cooperation and close contact to various European law enforcement authorities including Europol and Eurojust as well.

¹ Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

² Prevention of and Fight against Crime Programme European Commission - Directorate-General Home Affairs (Internal Security Fund).

For the reasons stated above, we would kindly like to ask the Council to review the decision.

Sincerely,

DELETED



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E-Mail: DELETED @kfn.de | Web: www.kfn.de



Fonds Innere Sicherheit
Ein Förderprogramm der
Europäischen Union

³ Regulation over request for information and access to documents for research purposes;
§ 476 German Code of Criminal Procedure.