



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 March 2014

8198/14

**INF 109
API 40**

NOTE

Subject: Public access to documents
 - Confirmatory application No 10/c/01/14

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 6 March 2014, registered on the same day ([Annex 1](#)).
- reply from the General Secretariat of the Council dated 18 March 2014 ([Annex 2](#))
- confirmatory application dated 25 March 2014, registered on the same day. ([Annex 3](#)).

[E-mail messages sent on 6 March 2014]

From: **DELETED**
Sent: Thursday, 6 March, 2014 08:33 AM
To: Consilium InfoPublic

Please send me the following document:

ST 6737 2014 INIT, draft Council conclusions on Ukraine of 20 February 2014.

Yours faithfully,

DELETED

From: **DELETED**
Sent: Thursday, 6 March, 2014 08:39 AM
To: Consilium InfoPublic

Please send me the following document:

ST 7158 2014 INIT, draft Council conclusions on Ukraine of 3 March 2014.

Yours faithfully,

DELETED



ANNEX 2

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, 18 March 2014

DELETED

e-mail:

DELETED

Ref. 14/0414-0416-mjb/mf

Dear **DELETED**,

We have registered your request of 6 March 2014 for access to documents 6737/14 and 7158/14. 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:

Documents 6737/14 and 7158/14 are a notes from the Political and Security Committee to COREPER/Council dated respectively 20 February and 3 march 2014. They contain draft texts of the Council conclusions on Ukraine. They are preliminary texts of the Council conclusions drawn up in view of internal deliberations and discussions within the Council.

The draft conclusions proposed in the documents do not correspond to the agreed conclusions published in Council website . The General Secretariat considers that release of these preliminary texts would not only undermine relations between the European Union and Ukraine, but would also prejudice the institution's decision-making process.

Accordingly, pursuant to the third indent of Article 4(1)(a) of the Regulation (protection of the public interest with regard to international relations), and in the absence of any evidence of an overriding public interest in release also pursuant to the second subparagraph of Article 4(3) of the Regulation (protection of the decision-making process of the Council), the General Secretariat is unable to grant you access to these documents.

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.

You may find the final version of the conclusions in the Council webpage at :
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141110.pdf.

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

DELETED

³ 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 25 March 2014 - 12:46]

From: **DELETED**

Sent: Tuesday, March 25, 2014 12:46 PM

To: SECRETARIAT DGF Access

Dear Sir or Madam,

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, I hereby make an

application

for a decision by the Council of the European Union.

Yours faithfully,

DELETED
