



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 November 2013

16793/13

**INF 220
API 112**

NOTE

Subject: Public access to documents
- Confirmatory application No 24/c/01/13

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 23 October 2013 and registered the next day ([Annex 1](#)).
- reply from the General Secretariat of the Council dated 14 November 2013 ([Annex 2](#))
- confirmatory application dated 22 November 2013 and registered on the same ([Annex 3](#))

[E-mail message sent on 23 October 2013 - 19:03]

Status : NEW

First Name: **DELETED**

Family Name: **DELETED**

Email: **DELETED**

Postal Address: **DELETED**

Street:

Town:

PostCode:

Residence Country:

Gender:

Country:

Age:

Phone: **DELETED**

Economic Category:

Subject:

Initial question:

Requested document(s): Requested document(s): I would like to request access to the following documents:

14679/13 ADD 1

14681/13 ADD 1

14679/1/13 REV1

14681/1/13 REV 1

14679/13

14681/13

14543/13

Many thanks.

1st preferred linguistic version: EN - English

2nd preferred linguistic version: FR - French



**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, 14 November 2013

DELETED

e-mail:

DELETED

Ref. 13/1764-mjb/mf

Dear **DELETED**,

We registered your request of 23 October 2013 for access to the following documents on 24 October 2013: 14543/13, 14679/13, 14679/1/13 REV 1, 14679/13 ADD 1, 14681/13, 14681/1/13 REV 1 and 14681/13 ADD1.

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:

You may have access to the following documents: **14679/13, 14679/1/13 REV 1, 14679/13 ADD 1, 14681/13, 14681/1/13 REV 1 and 14681/13 ADD1**. You may also have access to the last version of 14681/13 set out in document **14681/2/13 REV 2**.

Document **14543/13** is the outcome of proceedings from the Eastern Europe and Central Asia Working Party (COEST) to the Political Security Committee (PSC) on the COEST meeting of 7 October 2013.

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.

This document relates to the discussions held at COEST meetings related to the annual review of the restrictive measures against Belarus. The information it contains refers to aspects of the discussions on the compromise texts and concerning listing/de-listing procedures for restrictive measures against persons or entities. Disclosure of this information could not only hamper internal discussions on these difficult issues but also weaken the European Union's position in terms of international relations.

Accordingly, pursuant to Article 4(1)(a), third indent of the Regulation (protection of the public interest as regards 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 full access to this document.

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the document which are not covered by these exceptions.

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 reply¹.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

Enclosures

¹ 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 22 November 2013 - 16:00]

From: **DELETED**

Sent: Friday, November 22, 2013 3:57 PM
To: SECRETARIAT DGF Access
Subject: Ref. 13/1764-mjb/mf

Dear Madam / Sir,

I refer to your letter of 14 November 2013 attached. I hereby lodge a confirmatory request for full access to document 14543/13.

In the first place, I observe that your letter contains mere assertions that disclosure would undermine the decision making and weaken the EU's position in terms of international relations, but nor reasoning or evidence that would support these assertions.

Secondly, your assertions are unconvincing. The EU is imposing the sanction against Belarus in order to promote the respect for human rights in that country. In order for this to be credible, it is important that the decision-making process is transparent, in particular in relation to the decisions for listing or de-listing certain persons. Making this decision making process transparent would not weaken but strengthen the EU position in international relations because it would add credibility to the EU's approach (which credibility, as you know, is seriously undermined by the many mistakes made by the institutions and the resulting judgments by the EU courts annulling the listing of designated persons). The disclosure would also in no way undermine the EU's internal decision making process.

I am looking forward to your urgent response.

Kind regards,

DELETED
