



Council of the  
European Union

Brussels, 12 June 2015  
(OR. en)

9220/15

INF 91  
API 53

**NOTE**

---

From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 12/c/02/15

---

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 22 April 2015 and registered on 23 April 2015 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 18 May 2015 ([Annex 2](#));
- confirmatory application dated 20 May 2015 and registered on 21 May 2015 ([Annex 3](#))

[Letter sent to the transparency and access to documents Unit on 22 April 2015 and registered on 23 April 2015]

Your Ref: 2015/383

Our Ref: [REDACTED]

Date: 21<sup>st</sup> April 2015

**FAO: Transparency/Access to Documents Unit**  
Council of the European Union  
General Secretariat  
DG C 1C  
Rue de la Loi/Wetstraat 175  
1048 Bruxelles/Brussel  
BELGIQUE/BELGIË

And by email: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

**VERY URGENT**  
**IMMEDIATE ATTENTION REQUIRED**

Dear Sirs,

RE: [REDACTED] Council Implementing Decision (CFSP) 2015/383 Implementing Council Decision 2013/255/CFSP of 6<sup>th</sup> March 2015 ("the Listing").

**A. INTRODUCTION**

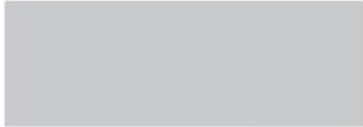

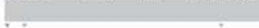
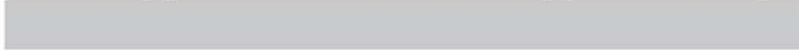
1. We are the [REDACTED] instructed by them to apply for the amendment of the above-mentioned Decision and Regulation, so that their contact details are removed from the identifying information for two listed persons; [REDACTED]
2. Please direct all future communications to those dealing with [REDACTED]

**B. BACKGROUND**

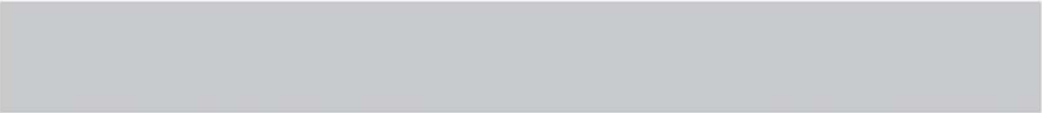
3. We set out below requests for information and/or documents under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ("Regulation 1049/2001") and requests in relation to data protection under Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ("Regulation 45/2001").

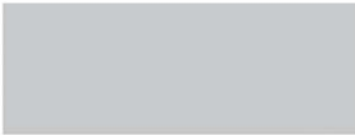
**C. DISCLOSURE REQUIRED UNDER REGULATION 1049/2001**

4. Pursuant to the right of access to documents in Regulation 1049/2001, we hereby request the following documents and/or information arising out of the reasons given in the Decision and Regulation for adding the contact details of [REDACTED] to the listing:


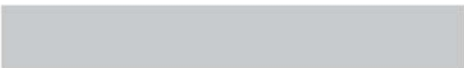
- 
- a. All documents and/or information which relate to 
  - b. All documents and/or information describing precisely why the alleged address/identifying information of the listed individuals   

  - c. Please specify the source of the information and/or documentation and the date upon which it was received by the Council.
  - d. All documents and/or information relied on by the Council in assessing the accuracy of the documents and information referred to above.

**D. REQUESTS UNDER REGULATION 45/2001**

- 5. As regards our client's employees' rights under Regulation 45/2001, we make the following requests:
    - a. Pursuant to Article 12 of Regulation 45/2001, please confirm that data has been supplied to the Council relating to the applicant's employees ("the data subjects") from a person or persons other than the data subjects.
    - b. Pursuant to Article 12 of Regulation 45/2001, please provide the data subjects with the following information:
      - i. the identity of the controller;
      - ii. the purposes of the processing operation;
      - iii. the categories of data concerned;
      - iv. the recipients or categories of recipients;
      - v. the existence of the right of access to, and the right to rectify, the data concerning the data subject;
      - vi. the legal basis of the processing operation for which the data are intended;
      - vii. the time-limits for storing the data;
      - viii. the origin of the data and whether the controller contends that it cannot disclose this information for reasons of professional secrecy; *and*
      - ix. such further information is necessary, having regard to the specific circumstances in which the data are processed, to guarantee fair processing in respect of data subjects.
    - c. Our clients, the applicants/data subjects request the following under Article 13 of Regulation 45/2001:
      - i. confirmation as to whether or not data related to them are being processed;
      - ii. information at least as to the purposes of the processing operation, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed;
      - iii. communication in an intelligible form of the data undergoing processing and of any available information as to their source; *and*
      - iv. the logic involved in any automated decision process concerning data relating to the data subjects.
    - d. For the avoidance of doubt, the applicants/data subjects wish to have rectified under Article 14 of Regulation 45/2001 without delay inaccurate and incomplete personal data which they believe is held by the Council.
- 

- 
- e. The applicants/data subjects request under Article 15(1) of Regulation 45/2001 that the data held by the Council relating to them be blocked because their accuracy is contested by the data subjects.

**E. STRICT TIME LIMITS FOR URGENT ACTION**

6. In view of the strict time limits imposed by Article 263 TFEU within which applications for annulment must be lodged at the General Court, we request that the documents/disclosure requested under Regulation 1049/2001 be sent to  in machine-readable electronic format to the specific email addresses of:
- 

7. In respect of the requests made under Regulation 45/2001, please confirm that these requests will be addressed within the time limits specified in Regulation 1049/2001 and Regulation 45/2001.

Yours faithfully,





**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 18 May 2015

**DELETED**

Email: **DELETED**  
**DELETED**  
**DELETED**

Ref. 15/1094-mi/ns

Your ref. **DELETED**

Request made on: 21.04.2015

Registered on: 23.04.2015

Dear Madam and Sirs,

Thank you for your request for public access to documents of the Council of the European Union.<sup>1</sup>

The General Secretariat of the Council has identified the following documents relating to the Council Implementing Decision (CFSP) 2015/383 implementing Council Decision 2013/255/CFSP of 6 March 2015:

---

<sup>1</sup> 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).

1. 6221/15
2. 6256/15
3. 6585/15
4. 6585/15 COR 1
5. COREU 0013/15

You may have public access to documents **6256/15**, **6585/15** and **6585/15 COR 1**.

Document **6221/15** sets out the proposal by the High Representative of the European Union for Foreign Affairs and Security Policy pertaining to the adoption of the Council Implementing Decision (CFSP) **2015/383** implementing Council Decision **2013/255/CFSP**. The General Secretariat has examined the document and is of the opinion that public release of the document would enable third countries to assess the differences between the proposal for sanctions and the final outcome. This would enable third countries to determine to what extent the Union is prepared to go with its restrictive measures policy. Revealing that information would be detrimental to the Union's ability to use restrictive measures to their maximum effect. This would undermine the protection of the public interest as regards international relations. For this reason, the General Secretariat has to refuse public access to document **6221/15**<sup>2</sup>.

Pursuant to Article 4(6) of the Regulation, the General Secretariat has assessed whether any part of the document would not fall within the exception concerning the protection of the public interest as regards international relations and concluded that this is indeed the case. Public access may be granted to those parts of the document.

Document **COREU 0013/15** is classified EU RESTRICTED, meaning that the release of the information contained in it could be disadvantageous to the interests of the European Union or of one or more of the Member States<sup>3</sup>. It contains information relating to the activities of entities and individuals providing support to the Al Assad regime in Syria. This information led to the decision to add or maintain certain entities and individuals on the lists concerning restrictive measures against Syria. Public disclosure of this document would allow the public, and hence the Syrian regime, to know what intelligence the EU possesses in relation to this issue. Public disclosure of this information would therefore be detrimental to the Union's efforts to ensure the effectiveness of the restrictive measures imposed on Syria, thereby undermining the protection of the public interest as regards international relations. In the light of the foregoing, the General Secretariat has to refuse public access to document **COREU 0013/15**<sup>4</sup>.

Pursuant to Article 4(6) of the Regulation, the General Secretariat has assessed whether any part of this document would not fall within the exception concerning the protection of the public interest as regards international relations but determined that this is not the case.

---

<sup>2</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

<sup>3</sup> Council Decision of 2 September 2013 on the security rules for protecting EU classified information. (2013/488/EU), Official Journal L 274, 15.10.2013, p. 1.

<sup>4</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

You can ask the Council to review this decision within 15 working days of receiving this reply.<sup>5</sup>

Yours sincerely,

Jakob THOMSEN

Enclosures

---

---

<sup>5</sup> Article 7(2) of Regulation (EC) No 1049/2001.  
Council documents on confirmatory applications are made available to the public. According 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.

**[Letter and e-mail message sent to the transparency and access to documents Unit  
(access@consilium.europa.eu) on 20 May 2015 - 5:06 PM]**

**From:** **DELETED**

**Sent:** Wednesday 20 May 2015 - 5:06 pm

**To:** **SECRETARIAT DGF ACCESS**

**Subject:** **DELETED**

Please see attached.

**DELETED**

---



Your Ref: 15/1094-mi/ns

Our Ref: [REDACTED]

20<sup>th</sup> May 2015

**FAO: Mr Jakob Thomsen**  
**Transparency and Access to Documents Unit**  
Directorate Document Management  
Council of the European Union  
Rue de la Loi/Wetstraat 175 – B- 1048 Bruxelles  
Belgium / Belgie

**And by email:** [access@consillium.europa.eu](mailto:access@consillium.europa.eu)

Dear Sirs,

**Re: YOUR REF: 15/1094-mi/ns**

We write further to your letter dated 18<sup>th</sup> May 2015 and our request for public access to documents held by the Council of the European Union.

Thank you for confirming that you have in your possession documents covering our request. We note disclosure (partial and full) of some of the documents have been refused on various basis.

We request that your position be reviewed in light of the fact that full disclosure on all documents is necessary for our Client to protect its position.

We understand the request for a review must be made within 15 days; please therefore accept this letter as our application to request a review of your decision.

Please address your response and any future communications to [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]