



Council of the  
European Union

Brussels, 9 July 2015  
(OR. en)

10763/15

INF 127  
API 67

**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 16/c/01/15

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Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 9 June 2015 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 25 June 2015 ([Annex 2](#));
- confirmatory application dated 8 July 2015 and registered on the same day ([Annex 3](#))

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 9 June 2015 - 08:59 AM]

This electronic form has been submitted in **EN**

Title/Gender:

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address:

Telephone:

Mobile:

Fax:

Requested document(s): RELEX MD 528/15

1st preferred linguistic version: EN - English

2nd preferred linguistic version:



**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 25 June 2015

**DELETED**

Email: **DELETED**

Ref. 15/1527-mi/mf

Request made on: 09.06.2015

Dear **DELETED**,

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

I regret to inform you that access to document **RELEX MD 528/15** cannot be given for the reasons set out below.

Document **RELEX MD 528/15** has been submitted by the EEAS and the Commission and sets out a presentation and review of the CSDP warehouse.

With Council Decision 2012/698/CFSP of 13 November 2012, a strategic CSDP warehouse for civilian crisis management missions was established. This warehouse provides logistical supply to all the civilian CSDP missions.

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<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).

The requested document contains sensitive information about the functioning of the warehouse. Disclosure of such sensitive information would undermine its proper functioning and would thus be detrimental to the Union's ability to guarantee proper running and outcome of current and future CSDP operations. This again would undermine the protection of the EU's international relations. As a consequence, the General Secretariat has to refuse public access to this document.<sup>2</sup>

Furthermore, the document contains sensitive information concerning the economic and business activities of the contractor. Disclosure of this part could undermine the protection of the commercial interests of the contractor. As a consequence, the General Secretariat has to refuse access to the requested document.<sup>3</sup>

Moreover, the document contains an assessment of the state of play of the implementation of the warehouse contract and has been prepared to inform and guide the Council in its internal decision-making as regards the way forward. The discussions on this issue are still on-going within the Council's preparatory bodies. Releasing the document to the public at this stage would be harmful for the delegations' need to freely hold exploratory talks within the Council's preparatory bodies, talks which enable the Council to find compromise solutions and achieve progress on sensitive issues like this one. Release of the document would thus jeopardise this capacity. Therefore, in the General Secretariat's view, public release of the document would seriously undermine the Council's decision-making process. As a consequence, the General Secretariat has to refuse access to this document.<sup>4</sup>

Having examined the context in which the document was drafted, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in its disclosure.

Pursuant to Article 4(6) of the Regulation, the General Secretariat has assessed whether any part of the document would not fall within the exceptions concerning the protection of the public interest as regards international relations, the protection of commercial interests or the protection of the Council's decision-making process, but has concluded that this is not the case. Partial access to this document is thus not possible.

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

<sup>3</sup> Article 4(2), first indent, of Regulation (EC) No 1049/2001.

<sup>4</sup> Article 4(3), first subparagraph, 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

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<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.

**[E-mail message sent to the Transparency and Access to documents Unit  
(access@consilium.europa.eu) on 8 July 2015 - 4:30 PM]**

Dear Madam or Sir,

I would hereby like to ask the Council to review its decision regarding the denied access to document RELEX MD 528/15.

Yours sincerely,

**DELETED**