



Council of the
European Union

Brussels, 14 September 2015
(OR. en)

11682/15

INF 150
API 85

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 19/c/02/15

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 17 July 2015 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 31 August 2015 ([Annex 2](#));
- confirmatory application dated 31 August 2015 and registered on 1 September 2015 ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 17 July 2015 - 10:42 AM using the electronic form available in the Asktheeu.org platform]

From: Michael Bauer <ask+request-2156-d63866dc@asktheeu.org>

Sent: Friday 17 July 2015 - 10:42 am

To: SECRETARIAT DGF Access

Subject: access to information request - EU-Pakistan 5-year Engagement Plan - Implementation report 2015

Dear Council of the EU,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting the following documents:

EU-Pakistan 5-year Engagement Plan - Implementation report 2015 10749/15

Yours faithfully,

Michael Bauer

This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request: ask+request-2156-d63866dc@asktheeu.org

If Access@consilium.europa.eu is the wrong address for information requests to Council of the EU, please tell the AsktheEU.org team on email team@asktheEU.org

This message and all replies from Council of the EU will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>



Council of the European Union

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 31 August 2015

Mr Michael Bauer

Email: : ask+request-2156-d63866dc@asktheeu.org

Ref. 15/1868-mi/nb

Request made on: 17.07.2015

Extended on: 10.08.2015

Dear Mr Bauer,

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

Please find attached a partially accessible version of document 10749/15.² However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **10749/15** sets out an implementation report 2015 for the EU-Pakistan 5-year Engagement Plan. Parts of the document contain sensitive assessments and evaluations on the political and economic developments in Pakistan as well as on sensitive issues such as counter-terrorism, disarmament and non-proliferation. Certain parts of the document also reveal details about the EU assistance programme. Disclosure of these parts would reveal to the public such internal assessments of the situation in Pakistan and thereby have a negative impact on the relations between the European Union and Pakistan. Furthermore, releasing such sensitive information to the public would prejudice the work still to be done under the EU-Pakistan 5-Year Engagement Plan and the EU-Pakistan Cooperation Agreement on Partnership and Development which are intended to strengthen EU-Pakistan relations by intensifying dialogues across priority areas including security, human rights, trade and energy. Full disclosure of the document would

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).

² Article 4(6) of Regulation (EC) No 1049/2001.

therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse full access to the document.³

Pursuant to Article 4(6) of the Regulation, you may however have public access to those parts of the document which are not covered by the above-mentioned exception.

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

Yours sincerely,

Jakob THOMSEN

Enclosure

³ Article 4(1)(a), third indent, 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. 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 access@consilium.europa.eu on 31 August 2015 - 17:45]

From: Michael Bauer <ask+request-2156-d63866dc@asktheeu.org>

Sent: Monday, August 31, 2015 17:45 PM

To: SECRETARIAT DGF Access

Subject: Internal review of access to information request - EU-Pakistan 5-year Engagement Plan - Implementation report 2015

Dear Council of the EU,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Council of the EU's handling of my FOI request 'EU-Pakistan 5-year Engagement Plan - Implementation report 2015'.

The section "Political and Economic Developments" seems to be completely removed. This is argued with the existing evaluation of the developments included and potential negative effects to EU-Pakistan relations, if released.

However, part of the report should be objective reporting of events so at least this part should be publicly accessible. Since these are events that have taken place and not the unions opinion on said events.

A full history of my FOI request and all correspondence is available on the Internet at this address:

http://www.asktheeu.org/en/request/eu_pakistan_5_year_engagement_pl

Yours faithfully,

Michael Bauer

Please use this email address for all replies to this request:

ask+request-2156-d63866dc@asktheeu.org

This message and all replies from Council of the EU will be published on the AsktheEU.org

website. For more information see our dedicated page for EU public officials at

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